



Home Office

Scale-up Worker caseworker guidance

Version 5.0

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About this guidance

This guidance tells caseworkers how to consider applications to enter, remain or settle in the UK under the Scale-up route. 'You' in this guidance means a caseworker.

This guidance is designed to be used alongside [Appendix Scale-up](#) of the Immigration Rules. The rules explain the requirements an applicant must meet, and this guidance provides additional information on how to consider their application. Paragraph references refer to Appendix Scale-up unless otherwise stated.

You may also need to refer to the following sections of the rules, where relevant:

- [Part 9: Grounds for Refusal](#)
- [Appendix Skilled Occupations](#)
- [Appendix ATAS](#)
- [Appendix KOL UK](#)
- [Appendix Finance](#)
- [Appendix Continuous Residence](#)
- [Appendix T: Tuberculosis screening](#)

Contacts

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

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

Publication

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

- version **5.0**
- published for Home Office staff on **7 August 2023**

Changes from last version of this guidance

For consistency with Temporary Work routes, a specific requirement is being added that applicants must genuinely intend to undertake their sponsored job. This builds on requirements already in the Rules.

These changes apply to applications made from 7 August 2023. If you are considering an application made before that date, these changes do not apply.

Related content
[Contents](#)

Overview of the Scale-up route

This section provides an introduction to the Scale-up route.

The Scale-up route was introduced on 22 August 2022 and provides a route for UK businesses, who have demonstrated a sustained period of growth, to sponsor talented individuals who have the skills needed to enable that business to continue growing.

Unlike other sponsorship routes, individuals are only required to work for their sponsors for a 6 month initial period and are free to also take other types of employment during this period, providing they continue to undertake their sponsored job. At the end of the sponsored period the sponsor duties fall away but the individual can remain employed by the sponsor or leave their employment.

Dependent partners and children can apply on this route, as set out in the dependants guidance.

Scale-up is a route to settlement in the UK.

Requirements

The requirements applicants must meet are split into 3 parts:

1. **Validity requirements** – these outline the minimum requirements which must be met for the application to be considered fully. They ensure, for example, the applicant has used the correct form and supplied their identity documents. Applications which do not meet these requirements are invalid and may be rejected and not considered.
2. **Suitability requirements** – these check the suitability of the applicant to be granted any form of permission, not specifically whether they qualify as a Scale-up worker. Applicants must not fall for refusal on general grounds or be in breach of immigration laws. Applicants who do not meet these requirements must be refused.
3. **Eligibility requirements** – these are the main criteria specific to the Scale-up route. Applicants who do not meet these requirements must be refused.

The table below sets out the paragraphs in Appendix Scale-up for each of these requirements:

Application	Validity	Suitability	Eligibility
Main applicants – entry clearance and permission to stay	SCU 1.1. to SCU 1.6.	SCU 2.1. to SCU 2.2.	SCU 3.1. to SCU 11.2.
Main applicants – settlement	SCU 13.1. to SCU 13.4.	SCU 14.1. to SCU 14.2.	SCU 15.1. to SCU 19.2.
Dependants – entry clearance and permission to stay	SCU 20.1. to SCU 20.5.	SCU 21.1. to SCU 21.2.	SCU 22.1. to SCU 28.2.
Dependants - settlement	SCU 30.1. to SCU 30.3.	SCU 31.1. to SCU 31.2.	SCU 32.1. to SCU 39.2.

Representatives

If an applicant has a UK based representative, you must check the representative is permitted to provide immigration advice or immigration services. They must be one of the following:

- registered with the [office of the Immigration Services Commissioner \(OISC\)](#)
- authorised by one of the following designated professional bodies or designated qualifying regulators:
 - [the Law Society](#)
 - [the Law Society of Scotland](#)
 - [the Law Society of Northern Ireland](#)
 - [the General Council of the Bar](#)
 - [the Chartered Institute of Legal Executives](#)
 - [the Faculty of Advocates](#)
 - [the General Council of the Bar of Northern Ireland](#)
- be exempt from the requirement to be registered or authorised - for example, the [Immigration and Asylum Act 1999 \(Part 5 Exemption: Licensed Sponsors\) Order 2022](#) exempts licensed sponsors from the requirement to be registered or authorised, provided any immigration advice or immigration services are given:
 - free of charge
 - in relation to an individual they are sponsoring (or, where relevant, their eligible family members) - note that Scale-up sponsors cannot do this beyond the initial 6 month period, regardless of whether the Scale-up worker continues to be employed by them, as the sponsorship relationship automatically ends after 6 months
 - in connection with an application by that individual for entry clearance or permission on a sponsored work or study route (or an application for entry clearance or permission by that individual's eligible family members that is dependent on that individual's application)

If the representative does not have the necessary permission to provide immigration advice or immigration services, you must direct all communications to the applicant instead.

Burden and standard of proof

The burden of proof is on the applicant to show they meet the requirements of the route. The standard of proof is the balance of probabilities (which means it is more likely than not they meet the requirements). When considering the application, you should have regard to all the relevant information and you should request more information, or clarification, if you need to do so.

Requesting more information

If you need more information, or clarification of certain details to be able to consider granting an application, you should request more information. Where possible, you

should try to identify all areas where further information is required, so it can be requested at the same time.

Verifying documents

Verification checks

You must be satisfied that the documents an applicant has submitted with their application are genuine. The documents can be copies or scanned images. You may need to verify documentation if:

- you have reasonable doubts about the authenticity of any document
- there is an instruction based on risk-profiles

The process for verifying documents will vary in each case, but may involve checking the authenticity of documents with:

- banks
- employers
- the relevant embassy or high commission
- other government departments (in the UK and overseas)

The purpose of these checks is to make sure that the document provided is genuine and accurately reflects statements made in the application. There is guidance available on how to refer documents to the V and C Sheffield Enrichment and Document Verification Team, which is responsible for conducting verification checks for marriage and family (M and F), work and study (W and S) routes.

Verification checks will be returned with one of the following results:

- documents have been confirmed to be genuine
- documents have been confirmed to be false
- the check returns an inconclusive result

If the documents have been confirmed as genuine, you must continue to consider the application.

If the documents have been confirmed as false, you must refer to guidance on general grounds for refusal. You must retain the document verification report on the case work system.

If the verification check returns as inconclusive, you must disregard the document as evidence. This means the applicant cannot rely on this evidence, but if there is other evidence that shows the applicant meets the requirement, this can be relied on instead.

Translating documents

If the documents are not in English or Welsh, the applicant must provide a fully certified translation from a professional translator or translation company that can independently be verified by the Home Office. The translation must include all the following information:

- confirmation it is an accurate translation of the document
- the date of the translation
- the full name and signature of the translator or an official from the translation company
- the translator or translation company's contact details

If no translation is supplied, you should request one. If the applicant still does not provide a translation or if you are unable to verify the translation, the document should be disregarded and not considered. You must continue to process the application as if the applicant had not provided the document (although it should be retained on the casework system).

Related content

OPI 1184 - VC Sheffield Enrichment Team

General grounds for refusal

Evidential Flexibility guidance

[Contents](#)

Related external links

[Appendix Scale-up](#)

[Unqualified immigration advisers](#)

Validity for entry clearance and permission to stay

This section tells you where to find the validity requirements relating to applications for entry clearance or permission to stay as a Scale-up worker.

Before considering suitability and eligibility, you must check whether the application is valid by referring to paragraphs SCU 1.1. to SCU 1.6.

If you are not satisfied the application meets all the validity requirements, you should consider whether to request more information, reject the application or proceed to consider.

You must consult the Validation, variation and withdrawal of applications guidance if you need further guidance on validity requirements.

Application fees and Immigration Health Charge

The applicant must have paid the relevant application fee and any Immigration Health Charge (sometimes called the Immigration Health Surcharge or IHS). For further information, please see the guidance on the Immigration Health Charge.

Biometrics and identity documents

You must be satisfied, where the applicant has provided their biometrics, these are verified against a valid passport or other travel document they have supplied.

Certificate of sponsorship

If the application is a sponsored application, the applicant must have a valid Scale-up Certificate of Sponsorship (CoS). This is a virtual document (similar to a database record) which is assigned by the sponsor. Sponsors use a secure IT system called the [sponsor management system](#) (SMS) to assign a CoS.

The reference number for the CoS should be provided in the application. If the applicant has not supplied a reference number, they must provide an explanation. If you are not satisfied the sponsor has assigned a CoS to the applicant, you may reject the application. If the reason the sponsor has not yet assigned a CoS is because of delays by UKVI (for example, a delay in processing a sponsor licence application or a request for CoS), you may exceptionally place the case on hold pending the outcome.

You must check the CoS was assigned to the applicant no more than 3 months before the date of application. If it was assigned more than 3 months before the date of application, you may ask the applicant to provide a more recent CoS. If they do not do so the application may be rejected as invalid.

For information on how to check the CoS information, refer to the [Certificate of Sponsorship checking system](#) (the CoS will also need to be viewed when assessing the eligibility requirements.)

Minimum age

All applicants must be aged 18 or over on the date of application.

Government or international scholarship agency awards

Where an applicant has received an award covering fees and living costs from a government or international scholarship agency in the 12 months before the date of application, the government or agency must provide written consent to the application. If this consent is not provided with the application, you may request it from the applicant and, if it is not provided, you may reject the application as invalid.

Switching

An applicant who is in the UK cannot apply to switch into the Scale-up route if they have, or were last granted, permission:

- as a Visitor
- as a Short-term Student
- as a Parent of a Child Student
- as a Seasonal Worker
- as a Domestic Worker in a Private Household
- outside the Immigration Rules

An applicant who is applying for permission to stay and has, or last had, permission as a Student must have completed the course of study for which the Confirmation of Acceptance for Studies (CAS) was assigned (or a course to which paragraph ST 27.3 of Appendix Student applies), or the course must have finished before the start date on their CoS. Alternatively, if the course was leading to a PhD award they must have completed at least 24 months of that course.

You can normally determine whether the applicant has completed their course by checking the end date on the CAS. However, the applicant may have completed their studies, and therefore met the requirement of the Rules, in advance of the end date on the CAS. If the end date on the CAS indicates they have not yet completed their studies, you should consider whether the course may have been completed by looking at any information provided with the application (for example, a results transcript) and any notifications made by the Student Sponsor. You should also check if the course stated on the CAS was at PhD level, and if so, use the course start date to assess whether they have completed at least 24 months.

If required, you should write to the applicant using the Validity reminder template, advising them that they have not shown that they have completed their studies and giving them an opportunity to do so before rejecting the application as invalid.

An application which does not meet all the above validity requirements is invalid and may be rejected and not considered using the rejection template on the case work system.

Irish citizens

Most Irish citizens do not need permission to live and work in the UK and therefore are not eligible to apply for permission under the Immigration Rules (see Common Travel Area (CTA) guidance on Irish citizens) Common Travel Area. You must void any application for a visa from an Irish citizen as invalid, except where they are subject to:

- a deportation order made under section 5(1) of the Immigration Act 1971
- an exclusion decision, or an exclusion order made under regulation 23(5) of the Immigration (European Economic Area) Regulations 2016
- a travel ban implemented under section 8B of the Immigration Act 1971

If an Irish citizen falls within one of the above categories, you should consider their application in line with the rules in the same way as any other applicant. If further information is required, please contact the CTA Policy Team.

Related content

Validation, variation and withdrawal of applications

Immigration Health Surcharge

Common Travel Area

[Contents](#)

Suitability for entry clearance and permission to stay applications

This section tells you where to find the suitability requirements an applicant must meet when they apply for entry clearance or permission to stay as a Scale-up Worker.

You must check the application meets the suitability requirements by referring to:

- the suitability requirements for Scale-up Worker, set out in paragraphs [SCU 2.1. to SCU 2.2.](#)

Applications which do not meet the suitability requirements must be refused. You will need to review the applicant's immigration history, any flags or alerts on the case work system, the answers given to the suitability questions on the application form and consider the guidance on Part 9 grounds for refusal.

Overstaying

You must check the applicant is not in breach of immigration laws, except for periods of overstaying which can be disregarded under paragraph 39E of the Immigration Rules. Refer to the guidance for overstaying. You can check the applicant's current immigration status on Atlas.

Immigration bail

Any applicant who is in the UK on immigration bail does not meet the suitability requirements for the Scale-up route. You can check whether the applicant is on bail by checking the relevant caseworker systems.

Related content

Part 9: grounds for refusal

Immigration Bail

[Contents](#)

Related external links

[Appendix Scale-up](#)

Eligibility for entry clearance and permission to stay applications

This section tells you the requirements an applicant must meet to be granted either entry clearance or permission to stay as a Scale-up Worker.

The requirements for granting entry clearance or permission to stay can be found in the eligibility requirements contained in [Appendix Scale-up](#).

To be eligible applicants must be awarded 70 points for either their sponsorship if applying as a sponsored applicant or for their earnings if applying as an unsponsored applicant and English language skills and financial requirement in all cases. In some cases (mainly entry clearance applications), applicants must also satisfy non-points requirements regarding tuberculosis testing and available funds

The eligibility requirements can be found in [Appendix Scale-up](#) in the Immigration Rules as set out below:

- entry requirement (SCU 3.1.)
- Tuberculosis certificate (SCU 3.2.)
- points requirement (overview) (SCU 4.1.)
- points for sponsored application (sponsorship, job at appropriate skill level and appropriate salary) (mandatory) (SCU 5.1 to SCU 7.6)
- points for unsponsored application (UK earnings in most recent permission) (mandatory) (SCU 8.1 to SCU 8.7)
- points for the English language requirement (mandatory) (SCU 9.1.)
- points for the financial requirement (mandatory) (SCU 10.1. to SCU 10.2)

Applications which do not meet these requirements must be refused.

Related content

[Contents](#)

Tuberculosis certificates

This section tells you about the tuberculosis (TB) certificate requirement for applications for entry clearance on the Scale-up route.

An applicant must provide a valid TB certificate with their application, if they have been residing within a country listed in [Appendix T of the Immigration Rules](#) for more than 6 months immediately preceding the application.

If an applicant has not supplied a valid TB test certificate when they are required to, you may contact them and request that they do so, or in exceptional circumstances seek a waiver, and if they do not you must refuse the application under paragraph SCU 3.2.

There is information on [GOV.UK](#) regarding which applicants are [required to obtain a TB certificate](#) before applying and the valid test centres.

Related content

[Contents](#)

Related external links

[Appendix T of the Immigration Rules](#)

Points requirement

This section provides an overview of how points are scored for Scale-up workers.

Under paragraph SCU 4.1. an applicant must score 70 points against the following requirements:

Type of application	Relevant requirements to be met	Relevant rules	Points
Sponsored	Sponsorship. Job at an appropriate skill. Appropriate salary.	SCU 5.1. to SCU 7.6.	50
Unsponsored	UK earnings in most recent permission.	SCU 8.1. to SCU 8.7.	50
All applications	English language skills at B1 (intermediate).	SCU 9.1. to SCU 9.3.	10
All applications	Financial requirement.	SCU 10.1. to 10.4.	10

If an applicant scores fewer than 70 points, you must refuse their application and explain where you have not awarded points using the relevant template paragraphs.

Related content

[Contents](#)

Sponsored permission

Sponsorship requirements

This section explains how to assess the sponsorship requirement for Scale-up Workers.

The applicant must score 50 points for sponsorship. To award these points, you must be satisfied the application meets the requirements in paragraphs SCU 5.1. to SCU 7.6.

An applicant may make more than one application under the sponsored route for one of the following reasons:

- if they failed to complete 6 months working for their sponsor in a previous permission on the Scale-up route
- where their previous permission expired more than 6 months ago

Where an applicant has previously been granted permission as a Scale-up worker under the sponsorship requirements and the above does not apply, they must apply and be considered under the unsponsored requirements.

Valid certificate of sponsorship

A certificate of sponsorship (CoS) is only valid if certain requirements are met. The CoS assigned to the applicant must meet the requirements set out in paragraph SCU 5.1. You should contact the sponsor to request any missing details.

Licensed sponsor

The sponsor must hold a valid Scale-up sponsor licence. The sponsor must also be A-rated. See the sponsor guidance for more details.

You must confirm these requirements are met by accessing the [Certificate of Sponsorship Checking System](#). You can contact the Sponsor Licensing Unit (SLU) to find out more information about the status of the sponsor's licence if needed.

If the applicant's sponsor loses its licence while the application is under consideration, you have a duty to inform the applicant promptly.

You must only inform the applicant their sponsor no longer has a licence, not the reasons why. The only exception is if the licence was revoked for reasons directly linked to this particular application, and those reasons therefore have particular relevance to the refusal – for example, you are refusing on genuine vacancy grounds, as well as the fact the sponsor is no longer licensed.

Immigration Skills Charge

A Scale-up sponsor is not required to pay the Immigration Skills Charge.

Genuine vacancy

You must not award points for sponsorship if you have reasonable grounds to believe the job the applicant is being sponsored to do either:

- does not exist
- is a sham (for example, the job exists but the applicant will not be doing it)
- has been created mainly so the applicant can apply for permission

To assess this, you may need to request additional information (see [Requesting more information](#)).

Genuine vacancy concerns may lead to a compliance visit to the sponsor. Where it is not possible at the outset to decide such applications, they should remain on hold pending the outcome of a compliance visit. You must inform the applicant their application is on hold due to further checks with their sponsor at the same time as you inform the sponsor of those checks, but you must not disclose any as-yet-unproven concerns about the sponsor. If the result is the sponsor's licence is revoked, you must explain fully any genuine vacancy concerns in the decision letter, and not rely solely on the fact the sponsor does not have a licence.

If you believe the applicant is complicit in being sponsored for a vacancy which is not genuine, you must follow the minded to refuse process (set out in the false representations guidance) and may consider inviting them to attend an interview. You must put your concerns to the applicant in clear language and give them the chance to respond (either in an interview or in writing) before making a decision. If you find the applicant to be complicit, you must include this in the refusal decision. For more details, you should consider the guidance on false representations as in some cases it may also be appropriate to refuse on suitability grounds.

Working with third parties

Where a Scale-up Worker is being supplied to one organisation by another organisation, their sponsor must be whoever has full responsibility for the duties, functions and outcomes, or outputs of the job.

For example, company A has a contract with a client - company Z - to deliver an IT solution within agreed timescales. An applicant, who is sponsored by company A to work on that 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 period of the contract. As company A is responsible for their duties, functions, outputs or outcomes, company A must be the applicant's sponsor.

A sponsor can only assign a CoS if they have full responsibility for deciding the duties, functions and outcomes or outputs of the job. Where the applicant is carrying

out work for a third party on their sponsor's behalf, they must be contracted by their sponsor to provide a time-bound, non-routine service or project on their sponsor's behalf. This means a service or project which has a specific end date, after which it will have ended, or the service provided will no longer be operated by their sponsor or anyone else. It also means an applicant must not be either:

- hired to a third party who is not the sponsor to fill a position with that party, whether temporary or permanent (for example, an agency worker filling a vacancy with a third-party), unless this is work undertaken in addition to the one for which they are being sponsored for
- engaging in contract work to undertake an ongoing routine role or to provide an ongoing routine service for a third party who is not their sponsor, regardless of the nature or length of any arrangement between the sponsor and the third party, unless this is work undertaken in addition to the one for which they are being sponsored for

Compliance with specified employment regulations

You must not award points for sponsorship if you have reasonable grounds to believe the job the applicant is being sponsored to do does not comply with either the National Minimum Wage Regulations or the Working Time Regulations.

If the job meets the salary requirements for the route, it is likely the salary will be compliant with the National Minimum Wage Regulations. However, the regulations include provisions which go further than the Skilled Worker salary requirements. For detailed guidance, see:

- [Calculating the national minimum wage](#)
- [Minimum wage for different types of work](#)
- [National Minimum Wage and Living Wage: accommodation](#)
- [National Minimum Wage \(HMRC manual\)](#)

The most well-known aspect of the Working Time Regulations is the [maximum weekly working hours](#). If a sponsor states the worker has opted out, you should ask for evidence of this. The regulations also cover other important protections, outlined at the links below. If a sponsor claims an exemption applies to any of these protections, you can ask for an explanation and refuse the application if you are not satisfied:

- [Holiday entitlement](#)
- [Rest breaks at work](#)
- [Night working hours](#)

The guidance linked to above may help you in assessing cases against both sets of regulations. Warning signs to be aware of include:

- long shifts without the daily or weekly rest breaks workers would normally be entitled to
- claims that work is “unmeasured” for either or both sets of regulations

- average hours agreements which seem unrealistic in the context of the job
- large deductions from salary, for accommodation or other reasons

You should be mindful that both sets of regulations are complex and there are a number of exemptions that may apply to an individual case. If you are in doubt, you should consider requesting additional information from the sponsor or seeking advice from the Economic Migration Policy team via the Work and Study Technical Team.

Job at appropriate skill level

This section explains how to assess the skill level requirement for the Scale-up route.

Under the sponsorship requirement, you must be satisfied the applicant is being sponsored in an occupation code listed as being eligible for the Scale-up route in [Appendix Skilled Occupations](#).

Exaggerated or incorrect occupation codes

You must not award points for a job at the appropriate skill level if you have reasonable grounds to believe the sponsor has not chosen an appropriate occupation code. Factors which may indicate this could include when either:

- the job description appears to be a standard or template response used for other businesses and the application is in a high-risk sector
- the applicant has been refused previously on similar grounds

This is not an exhaustive list.

A sponsor may have chosen a less appropriate occupation code either by accidental error or intentionally. You should request additional information where you have concerns (see [Requesting more information](#)), to give the sponsor an opportunity to correct any accidental error and/or address any questions about whether they have misrepresented the job.

You should consider whether the sponsor has chosen a less appropriate occupation code for any of the following reasons:

- to make a job which is not at the appropriate skill level appear more skilled
- to be able to pay the applicant a lower going rate

To support this assessment, you may in particular consider:

- whether the sponsor has shown a genuine need for the job as described
- whether the applicant has the appropriate skills, qualifications and experience needed to do the job as described
- the sponsor's history of compliance with the immigration system including, but not limited to, paying its sponsored workers appropriately
- any additional information from the sponsor

This is not an exhaustive list.

Concerns about exaggerated or incorrect jobs may lead to a compliance visit to the sponsor. Where it is not possible at the outset to decide such applications, they should remain on hold pending the outcome of a compliance visit. You must inform the applicant their application is on hold due to further checks with their sponsor but must not disclose any as-yet-unproven concerns about the sponsor. If the result is the sponsor's licence is revoked, you must explain fully any genuine vacancy concerns in the decision letter, and not rely solely on the fact the sponsor does not have a licence.

If you consider the applicant is aware their job is not at the appropriate skill level and is complicit in misrepresenting it, you must follow the minded to refuse process (set out in the false representations guidance) and may consider inviting them to attend an interview. You must put your concerns to the applicant in clear language and give them the chance to respond (either in an interview or in writing) before making a decision. If you find the applicant is complicit, you must include this in the refusal decision.

The implications for an applicant of a finding of deception can be significant and is a fact-sensitive issue. If an applicant is lawfully in the UK, the consequences are likely to be serious and to mean you must give the applicant a chance to respond before refusing their application. If the application is for entry clearance, it will not reach the required level of seriousness, because in most such cases a refusal will not change the applicant's circumstances. For more details, you should consider the guidance on false representations as in some cases it may be appropriate to also refuse on suitability grounds.

ATAS requirement

Applicants must provide a valid Academic Technology Approval Scheme (ATAS) certificate if all of the following apply:

- they are being sponsored as a Scale-up Worker by a sponsor which is also a [licensed student sponsor](#) (these will mainly be universities)
- they are not one of the exempt nationals listed in paragraph [ATAS 3.1](#)
- their job is in one of the occupation codes listed in paragraph [ATAS 1.2\(a\)](#)
- the job includes an element of PhD-level research in a relevant subject (and these subjects are listed in paragraph [ATAS 4.1](#))

The details are set out in [Appendix ATAS](#). Sponsors should confirm on the applicant's CoS whether the ATAS requirement applies.

If the first three bullet points above apply, but the sponsor has not provided a note to say whether the ATAS requirement applies and the applicant has not provided an ATAS certificate, you should contact the sponsor to confirm whether the requirement applies. If the sponsor fails to provide the necessary confirmation, you should not award points for sponsorship (paragraph SCU 5.1.(f)).

If the sponsor confirms the ATAS requirement applies and the applicant has not provided an ATAS certificate, you should consider contacting the applicant (see [Requesting more information](#)). Processing an ATAS application takes at least 20 working days and can take 30 or more working days between April and September. You should allow the standard 10 working days for the applicant to respond but consider extending the deadline if the applicant confirms they have submitted their ATAS application and are waiting for a response.

If an applicant does not provide a copy of a valid ATAS certificate when required, you should not award points for sponsorship (paragraph SCU 7.6. with reference to SCU 5.1 (f)).

Assessing appropriate salary

This section explains how to assess salaries for Scale-up Workers.

Sponsors must pay applicants a salary which equals or exceeds all of the following:

- £34,600 per year or £33,000 per year if their most recent permission on the route was granted on the basis of a CoS assigned on or before 11 April 2023
- the going rate for the occupation code

If an applicant is being sponsored to work more than 48 hours a week, only the salary for the first 48 hours a week will be considered towards the salary requirements set out in SCU 7.1(a) of the immigration rules.

For example, an applicant who works 60 hours a week for £10.00 per hour will be considered to have a salary of £24,960 (£10 x 48 x 52) per year and not £31,200 (£10 x 60 x 52).

If an applicant is being sponsored to work a pattern where the regular hours are not the same each week, resulting in uneven pay, work in excess of 48 hours in some weeks can be considered towards the salary threshold, providing (all of the following apply):

- the average over a regular cycle (which can be less than, but not more than 17 weeks) is not more than 48 hours a week
- any unpaid rest weeks will count towards the average when considering whether the salary thresholds are met
- any unpaid rest weeks will not count as absences from employment for the purpose of paragraph 9.30.1 in Part 9 of the Immigration Rules

For example, an applicant who works a pattern of 60 hours a week for £12 per hour for 2 weeks, followed by an unpaid rest week, will be considered to work 40 hours a week on average and have a salary of just £24,960 (£12 x 40 x 52) per year.

What to include

Only guaranteed basic gross pay can be included (see paragraphs SCU 7.2 to SCU 7.3). No other pay and benefits must be included when assessing salary. Examples of pay and benefits which are not included are listed in paragraph SCU 7.2. This is not an exhaustive list. However, if an applicant has chosen to give up part of their basic pay as part of a salary sacrifice scheme, this should not be deducted.

The general threshold

The general threshold is the minimum salary of £34,600 (for CoS assigned on or after 12 April 2023) or £33,000 (for CoS assigned on or before 11 April 2023) per year which applies regardless of the applicant's occupation code. If the going rate for the applicant's occupation is below £34,600 or £33,000 (as applicable), they must still be paid at least this amount to qualify for the route.

The going rate

The going rate is the minimum salary which applies for a particular occupation code. The going rates are set out in [Appendix Skilled Occupations](#).

Going rates must be pro-rated based on the weekly working hours stated on the certificate of sponsorship (CoS).

The going rates in Table 1 of Appendix Skilled Occupations are based on a 37.5-hour week. Hourly rates are shown in brackets. To avoid rounding errors, you should pro-rate the going rate based on the annual figure, rather than the hourly figure. You do this by dividing the annual going rate by 37.5, then multiplying by the weekly hours stated by the sponsor. For example, if the annual going rate is £36,000 and the applicant is sponsored to work a 25-hour week, the pro-rating calculation would be:

$$£36,000 \div 37.5 \times 25 = £24,000$$

The going rates in Table 2 of Appendix Skilled Occupations are based on a 40-hour week (doctors), a 37.5-hour week (NHS Agenda for Change occupations) or the definition of a full-time worker (teaching occupations). The pro-rating calculation must be adjusted accordingly, for example dividing by 40 rather than by 37.5. For teaching occupations (where weekly working hours are not consistent throughout the year, due to term dates), you should ask the sponsor to confirm what proportion of a full-time equivalent (FTE) the applicant is, and pro-rate the going rate accordingly.

The applicant's full weekly hours must be included when checking their salary against the going rate, even if they work more than 48 hours a week. For example, an applicant who works 60 hours a week in an occupation code with a going rate of £37,500 must be paid £60,000 ($£37,500 \div 37.5 \times 60$), not £48,000 ($£37,500 \div 37.5 \times 48$).

Related content

False representations
[Requesting more information](#)
[Contents](#)

Related external links

[Appendix Skilled Occupations](#)
[Appendix ATAS](#)
[Certificate of Sponsorship Checking System](#)
[Part 9 of the Immigration Rules](#)

Genuineness requirement

This section explains how to assess the genuineness requirement for Scale-up Workers.

When applying for entry clearance or permission, you must be satisfied that the applicant:

- genuinely intends to undertake the role described on the certificate of sponsorship (CoS)
- is capable of undertaking the role described on the CoS

To assess this, you may request:

- additional information and evidence, and refuse the application if the information or evidence is not provided (you must receive any documents requested at the address given in the request within 10 working days of the date the request is made)
- the applicant attends an interview, and refuse the application if they fail to comply with such request without giving a reasonable explanation

To make the above assessment, you may take into account the applicant's:

- knowledge of the role
- relevant experience of the skills needed to do the role
- knowledge of the sponsor in the UK
- explanation of how they were recruited
- any other relevant information

You will not usually need to undertake further checks to establish that these requirements are met. You should ask them to do so only after you have assessed whether the application should be refused with the information already available and when:

- you have concerns individual sponsors are assigning unusually large numbers of CoS for the same type of role
- there are reasonable grounds to suspect the applicant will not be working in the role described on the CoS
- intelligence suggests applicants are linked to:
 - extremism
 - terrorism
 - modern slavery
 - other illegal activity

Related content

[Contents](#)

Un-sponsored permission

This section explains how to assess the un-sponsored requirement for Scale-up Workers.

The applicant must score 50 points for UK earnings in their permission as a Scale-up Worker. To award these points, you must be satisfied the application meets the requirements in paragraphs SCU 8.1. to SCU 8.7.

Assessing UK earnings

The applicant must meet the following:

- have, or have held in the 6 months immediately before the date of application, permission as a Scale-up Worker
- must have had PAYE earnings in the UK equivalent to at least £34,600 per year (£33,000 per year if the applicant's most recent permission was granted in association with a certificate of sponsorship (CoS) assigned on or before 11 April 2023), during at least 50% of their permission as a Scale-up Worker

For example, an applicant with 3 years' permission as a Scale-up Worker must have had this level of earnings during at least 18 months of that permission.

To meet the earnings requirement, an applicant must show that they have earned a gross monthly salary equivalent to £34,600 per year, for 50% of their period of permission. Applicants cannot offset months where their gross earnings are below £2,883 by relying on months with a higher level of earnings. You must not average earnings across the whole 12-month period.

Periods of absence from work

Where an applicant was absent from work for any of the following reasons:

- statutory maternity leave
- statutory paternity leave
- statutory parental leave
- statutory shared parental leave
- statutory adoption leave
- statutory sick leave

such periods of absence will be treated as periods during which the applicant was paid at the required level, providing at the time the absence starts the applicant's job had PAYE earnings equivalent to, either:

- £34,600 per year
- £33,00 per year if their most recent permission on the route was granted on the basis of a CoS assigned on or before 11 April 2023

For example, an applicant who was assigned a CoS on 12 April 2023 who spent 6 months on the above types of leave during a 2-year permission as a Scale-up Worker, must have had PAYE earnings in the UK equivalent to at least £34,600 per year during at least 6 months of the remaining 18 months of that permission.

What to include

Only guaranteed basic gross pay can be included (see paragraphs SCU 8.3 to SCU 8.4). No other pay and benefits must be included when assessing salary. Examples of pay and benefits which are not included are listed in paragraph SCU 8.4. This is not an exhaustive list. However, if an applicant has chosen to give up part of their basic pay as part of a salary sacrifice scheme, this should not be deducted.

Earnings which cannot be included

An applicant cannot seek to rely on other sources of income, such as any of the following:

- earnings from self-employment
- earnings from outside of the UK
- payments not recorded through PAYE, such as dividends, allowances, in-kind benefits or reimbursements for business expenses
- employer pension and employer national insurance contributions
- income from savings, investments, property, inheritance, gambling or competitions

Earnings from multiple jobs

Where an applicant is relying on earnings from more than one job you must check to ensure that they are not claiming more than one set of PAYE earnings that cover the same period. There is no limit on the number of jobs an applicant can use to meet the earnings requirement, but you must ensure any claimed earnings are from different months.

Example one

Applicant claims earnings for Job A which runs from January to April and Job B which runs from May to December. All PAYE earnings from both these jobs could be included when assessing whether the applicant meets the £33,000/£34,600 requirement.

Example two

Applicant claims earnings for Job A which runs January to June and Job B which runs April to December. PAYE earnings from both these jobs can be counted, but you must only use PAYE earnings from one of these for the period April to June. You must use the job which has the higher earnings and is therefore more beneficial to the applicant.

Example three

Applicant claims earnings for Job A which runs January to November and Job B which also runs January to November. As both these jobs only existed for the same period you must only use the one with the higher level of PAYE earnings when considering if the applicant meets the £33,000/£34,600 requirement.

Related content

[Contents](#)

Language requirement

This section explains how to assess the language requirement for Scale-up Workers.

The applicant must score 10 points for English language skills equivalent to at least level B1 of the Common European Framework of References for English language in all 4 components (reading, writing, speaking and listening). To award these points, you must be satisfied the application meets the requirements in paragraphs SCU 9.1. to SCU 9.3 and Appendix English Language requirement.

To assess whether the requirement is met, you should refer to the English language guidance.

Related content

English language guidance

[Contents](#)

Related external links

[Appendix English language](#)

Financial requirement

This section explains how to assess the financial requirement for Scale-up Workers.

An applicant will automatically meet the financial requirement when they are applying for permission to stay in the UK, having been in the UK for at least 12 months with permission on the date of application. See the financial requirement guidance for details on how to consider this.

When the applicant is applying for entry clearance, or for permission to stay and has been in the UK for less than 12 months, an applicant can meet the financial requirement by:

- their sponsor (providing they are A-rated) certifying they will, if necessary, maintain and accommodate the applicant up to the end of the first month of their employment, to an amount of at least £1,270
- providing evidence showing they have held funds of at least £1,270 for a 28-day period as set out in the financial requirement guidance

Related content

Financial requirement guidance

[Contents](#)

Related external links

[Appendix Finance](#)

Settlement

This section explains how to assess settlement applications on the Scale-up route.

The validity and suitability requirements for settlement applications are set out at paragraphs SCU 13.1. to SCU 14.2. Refer to the validity and suitability sections earlier in this document for more information, although no certificate of sponsorship (CoS) or Immigration Health Charge payment is needed for settlement applications.

The guidance below explains how to assess the eligibility requirements, which are set out at paragraphs SCU 15.1. to SCU 19.2.

Validity requirements for settlement

Before considering suitability and eligibility, you must check the application is valid by referring to paragraphs SCU 13.1. to SCU 13.4.

All applicants for settlement on the Scale-up route must have, or have last been granted, permission as a Scale-up Worker.

If you are not satisfied the application meets all the validity requirements, you should consider whether to request more information, reject the application or proceed to consider.

You must consult the Validation, variation and withdrawal of applications guidance if you need further guidance on the cross cutting validity requirements

Qualifying period

The applicant must have spent a continuous period of 5 years in the UK, consisting of time with permission on any of, or any combination of, the following routes:

- Scale-up
- Skilled Worker
- Global Talent
- Innovator
- T2 Minister of Religion
- International Sportsperson
- Representative of an Overseas Business
- Tier 1 (Exceptional Talent)
- Tier 1 (Entrepreneur)
- Tier 1 (Investor)
- Tier 1 (General)

Absences from the UK must be considered in line with [Appendix Continuous Residence](#). See the continuous residence guidance for further details.

Knowledge of life in the UK

The applicant must meet the Knowledge of Life in the UK requirement as set out in [Appendix KOL UK](#). They do not need to meet a language requirement for settlement, as they will have met this in their previous Scale-up application.

PAYE employment in the UK

On the date of application, the applicant must be in PAYE employment in the UK with a salary of at least, either:

- £34,600 per year
- £33,000 per year if their most recent permission on the route was granted on the basis of a CoS assigned on or before 11 April 2023.

Assessing UK earnings

The applicant must have had monthly PAYE earnings in the UK equivalent to at least £34,600 per year or £33,000 per year if the CoS was assigned on or before 11 April 2023 for at least 24 months of the 3 years immediately before the date of application.

You can only include basic gross PAYE salary (before income tax and including employee pension and national insurance contributions), from the UK. You cannot include earnings from other sources of income, such as any of the following:

- earnings from self-employment
- earnings from outside of the UK
- payments not recorded through PAYE, such as dividends, allowances, in-kind benefits or reimbursements for business expenses
- employer pension and employer national insurance contributions
- income from savings, investments, property, inheritance, gambling or competitions

You must check the applicant's PAYE records for the earnings period claimed, this should be at least 24 months of the 3 years immediately before the date of application.

Until automated PAYE checks are available, applicants should provide payslips, P60s and either a bank/building society statement or building society passbook, covering every month which they have claimed PAYE earnings for, with their application.

If you have reasonable grounds to believe the PAYE earnings the applicant is relying on have been inflated or fabricated, or do not relate to genuine employment, you should discuss the case with a manager and consider requesting further information. You will need to assess the credibility on the balance of probabilities. In particular you may want to consider:

- whether the business from which the earnings are claimed can be shown to exist and be lawfully and genuinely trading in the UK
- any payments made by the applicant to other parties
- any other relevant information

This is not an exhaustive list.

Periods of absence

Where an applicant was absent from work for any of the following reasons:

- statutory maternity leave
- statutory paternity leave
- statutory parental leave
- statutory shared parental leave
- statutory adoption leave
- statutory sick leave

such periods of absence will be treated as periods during which the applicant was paid at the required level, providing at the time the absence starts the applicant's job had PAYE earnings equivalent to either:

- £34,600 per year
- £33,000 per year if their most recent permission on the route was granted on the basis of a CoS assigned on or before 11 April 2023

For example, an application who spent 6 months on the above types of leave during their last 3-year's permission as a Scale-up Worker, must have had PAYE earnings in the UK equivalent to at least £34,600 per year during at least 18 months of the remaining 30 months of that permission.

Related content

Continuous residence guidance

[Contents](#)

Related external links

[Appendix Scale-up](#)

[Appendix KOL UK](#)

[Appendix Continuous Residence](#)

Grant or refuse

This section tells you how to grant or refuse an application under the Scale-up route.

The actions you must take will depend on the type of application:

- entry clearance
- permission to enter
- permission to stay

Period of permission granted

If the applicant meets the validity, suitability and eligibility requirements and was awarded 50 points for meeting the sponsored application requirements, you must grant entry clearance or permission to stay for 2 years.

If the applicant meets the validity, suitability and eligibility requirements and was awarded 50 points for meeting the unsponsored application requirements, you must grant permission to stay for 3 years.

You must grant entry clearance with effect from either the date of decision or a date requested by the applicant, whichever is later.

Permission to stay is granted with effect from the date of decision.

Related content

[Contents](#)

Conditions

This section tells you about the conditions that should be applied if they are granted permission on the Scale-up Worker route.

Applicants granted entry clearance or permission to stay on the Scale-up route for meeting the **sponsored application** requirements are subject to the following conditions:

- they have no access to public funds
- they must be employed in the job recorded on their certificate of sponsorship for the first 6 months of their permission
- work (including self-employment and voluntary work) is permitted, except from work as a professional sportsperson (including as a sports coach)
- study is permitted, subject to the Academic Technology Approval Scheme (ATAS) condition in [Appendix ATAS](#)

Applicants granted permission to stay on the Scale-up route for meeting the **unsponsored application** requirements are subject to the following conditions:

- they have no access to public funds
- work (including self-employment and voluntary work) is permitted, except from work as a professional sportsperson (including as a sports coach)
- study is permitted, subject to the ATAS condition in [Appendix ATAS](#)

A Scale-up Worker is allowed to study, subject to the conditions set out above, but they must obtain an Academic Technology Approval Scheme (ATAS) certificate for the course or research they intend to undertake and present it to their education provider before they start their study if:

- they are not a national of the countries listed in [Appendix ATAS 3.1](#)
- their course is in a subject listed in [Appendix ATAS 4.1](#) and it either:
 - leads to a master's degree
 - leads to a PhD
 - leads to another postgraduate qualification
 - is a period of study or research which is part of an overseas postgraduate qualification

If their course (or research) completion date is postponed or delayed for more than 3 calendar months or there are any changes to the course contents (or the research proposal), they must apply for a new ATAS certificate within 28 calendar days and must provide a printout of the new certificate to their education provider promptly: see Appendix ATAS.

Professional sportsperson condition

Scale-up Workers are not permitted to engage in professional sport (including coaching) during their permission but are able to participate in amateur sport (such

as engages in a sport or creative activity solely for personal enjoyment and not seeking to derive a living from the activity). Professional Sportsperson is defined in [paragraph 6 of the Immigration Rules \(Immigration Rules: introduction\)](#).

eVisas (digital status)

Applicants who are able to make an application using the UK Immigration: ID Check app will be given an eVisa (digital status) if they are granted permission. The applicant will also receive a biometric residence permit if they are a [visa national](#).

Applicants who cannot use the UK Immigration: ID Check app and have to attend a biometric appointment will be given a biometric residence permit if they are granted permission.

You will need to select the correct grant template on the case working system.

Related content

[Contents](#)

Related external links

[Using your UK Visas and Immigration account](#)

Grant or refuse entry clearance

This section tells you how to grant or refuse entry clearance on the Scale-up route.

Endorsements

You must use the following endorsement:

- SCALE-UP WORKER MIGRANT

Biometric information for entry clearance

Successful applicants for entry clearance are given either a digital status or a [biometric resident permit \(BRP\)](#). If the entry clearance application is successful, you must give those given a BRP a 90-day visa to allow them to collect their BRP after they have arrived in the UK.

Refuse entry clearance

You must refuse the application if you are not satisfied the applicant has met all the suitability and eligibility requirements of [Appendix Scale-up](#), or if any of the grounds for refusal in [Part 9: Grounds for Refusal](#) apply.

Rights of appeal and administrative review – entry clearance applications

If an application for entry clearance is refused, the applicant does not have a right of appeal against that decision. However, if they think the Home Office has made an error in considering their application, they can apply for an [administrative review](#).

Related content

[Contents](#)

Related external links

[Part 9: Grounds for Refusal](#)

[Request an administrative review](#)

Refuse entry at UK port

You must refuse permission to enter under paragraph 9.14.1 of the Immigration Rules if someone seeks entry as a Scale-up Worker without a valid UK entry clearance or permission to stay for this purpose.

If you are considering cancelling an applicant's entry clearance or permission to stay as a Scale-up Worker, you must refer to [Part 9 of the Immigration Rules](#).

Related content

Border Force Operating Mandate

[Contents](#)

Related external links

[Part 9 of the Immigration Rules](#)

Grant or refuse permission to stay

This section tells you how to grant or refuse permission to stay (including settlement) on the Scale-up route.

Biometric information

Successful applicants for permission to stay are given either a digital status or a [biometric resident permit](#) (BRP). You must check the biometric residence permit (BRP) system before you submit a BRP card production request.

Rights of appeal and administrative review

If an application for permission to stay is refused, applicants do not have a right of appeal against that decision. However, if they think the Home Office has made an error in considering their application, they can apply for an administrative review.

Related content

[Contents](#)

Related external links

[Appendix AR](#)

The certificate of sponsorship checking system

This section tells you how to check a certificate of sponsorship (CoS) using the checking system and how to record it as used on the system.

How to search the certificate of sponsorship checking system

You can access the [checking system](#) using your username and password. To access the search function, click 'CoS check'. The checker times out every 30 minutes, so you may need to log in again after this time.

You can search the system using the:

- CoS reference number, by entering it into the relevant screen
- Applicant's details
- Sponsor's details

Searching using the applicant's details

If you select this option, you can search by:

- passport or travel document number
- family name
- given name
- nationality
- date of birth
- gender

The more information is provided, the narrower the search will be.

Searching using the sponsor's details

If you select this option, you can search by:

- sponsor licence number
- sponsor name
- sponsor address
- postcode

When you check the CoS, you must:

- find it on the CoS checking system
- check the case type given on the case working system matches the type of CoS issued - this is on the top of the certificate

- record it as used in all approval and refusal cases
- not mark it as 'used' if you are rejecting the application as invalid, or withdrawing or voiding the application, or the applicant is varying it to another route, because no Scale-up Worker decision has been made and they could use it again

Check the current status of the certificate of sponsorship

Status of certificate of sponsorship on the checking system	What you must do
Assigned	Continue to assess the application.
Suspended	<ul style="list-style-type: none"> • not decide the case • keep it on hold • contact the Sponsor Licensing Unit (SLU) to find out if they will be re-instating the sponsor or if it will be suspended indefinitely, and what information you can share with the applicant <p>If they do not issue a new CoS, you must refuse the application.</p>
Withdrawn	Refuse the application if the sponsor does not assign another CoS because it is no longer valid.
Used	<p>Check to see if the sponsor has assigned a new CoS.</p> <p>If not, you must refuse the application because there is no valid certificate of sponsorship.</p>

Related content

[Contents](#)

Requesting more information

This section tells you about requesting more information or supporting documents related to Scale-up Worker applications.

Applicants and their sponsors should provide all the necessary evidence and information with the application and certificate of sponsorship (CoS). If, however, there is an error or omission, you should discuss the application with a manager or technical expert and consider contacting the applicant and/or their sponsor to ask them to provide additional evidence or information. See Evidential flexibility guidance

Taking a fair and proportionate approach to assessment of evidence

You must review the information on the application form and other available evidence before deciding whether you are satisfied on the balance of probabilities (it is more likely than not) a requirement is met.

If the evidence with the application is meant to show the requirement is met and you are not satisfied the evidence is genuine, you should consider the guidance on false representations and follow the minded to refuse process.

Official – sensitive: start of section

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

Official – sensitive: end of section

Format of evidence

The Immigration Rules no longer set out specific format requirements for most documents. This doesn't mean format is irrelevant – it will help you assess if a piece of evidence is genuine and if it provides the information needed for you to be satisfied a requirement is met. You must not refuse an application because the evidence is not in a particular format, but you may request alternative or additional evidence or seek verification if you are not satisfied what the applicant (or their sponsor) has provided shows the requirements of the rules are met.

If evidence, such as a bank letter, does not include the information you would normally expect, you should consider whether to take further action to verify it.

Where evidence is missing or inadequate

The applicant will be told what evidence to provide as part of the application process. However, sometimes evidence is missing or inadequate to enable you to assess whether the requirement is met.

You should consider seeking further information or making verification checks when, for example:

- evidence is missing (for example a missing page from a series) and you believe the applicant has, or could obtain it
- evidence is inadequate, but could be clarified, for example, if a letter from an official financial sponsor does not include all the information you would expect

You should check any discrepancies about information on the CoS with the sponsor.

You may decide to ask for further information from the applicant, sponsor, or issuing institution (for example, the bank which issued the applicant's financial documents) or make verification checks in other cases if you think it would help assess whether the requirements are met. If you are not sure whether this would help, you should discuss this with a manager.

When contacting the applicant or sponsor, they should be given 10 UK working days in which to provide a response.

You do not need to contact the applicant or sponsor if evidence is missing or inadequate, if:

- you do not need the information because you can find it elsewhere, for example, from the certificate of sponsorship
- receiving it would make no difference to the decision (for example because you would still refuse the application for other reasons)

If the evidence supplied is inadequate, you do not have to offer the applicant an opportunity to provide different evidence. For example, if the applicant provides bank statements and they do not show the required level of funds or the evidence is not sufficient, you do not need to check whether the applicant has another bank account which might meet the requirement.

Failure to supply requested information

If you request additional information from the applicant or their sponsor, you should ask them to provide it, or an explanation why they are unable to, within 10 working days of the date you send the request letter.

If you do not receive the requested information in this timeframe, you must assess whether any excuse provided is reasonable and if so, you should give the applicant more time to respond. If the applicant does not provide a reason or the reasons, they give are not satisfactory, you may refuse the application.

Related content

Evidential flexibility guidance

False representations guidance

[Contents](#)

Dependants

This section tells caseworkers about dependants in the Scale-up route.

The Immigration Rules covering entry clearance, permission to stay and settlement for dependents of Scale-up workers appear in SCU 20.1 to SCU 39.2 of Appendix Scale-up.

For more information on the requirements that dependants must meet in order to be granted permission in line with a Scale-up Worker, see; family members of points-based system migrants.

Related content

Family members of points-based system migrants

[Contents](#)