Points-based system sponsor licensing: applications

Version 18.0
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About this guidance

This guidance tells you about how to decide applications for a sponsor licence for Tier 2 and 5 of the points-based system (PBS).

Contacts

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

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, you can email the Guidance Rules and Forms team.

Publication

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

- version 18.0
- published for Home Office staff on 12 March 2020

Changes from last version of this guidance

Changes made in this version of the guidance are as follows:

- additional information has been added to Tier 5 (Temporary Worker): charity worker
- additional information has been added to Tier 5 Sponsor licences: religious workers
- additional information has been added to Tier 5 Sponsor licences: Government Authorised Exchange
- there is a whole new section dedicated to the new Seasonal Workers scheme
- additional information has been added to Tier 5 sponsor licences: international agreements
- there is a whole new section dedicated to the 2006 Companies Act
- guidance amended to advise that the qualifying company criteria for digital technology occupations were deleted from the Immigration Rules from 6 October 2019 (paragraph K1 of HC 2631) under the section ‘Tier 5 sponsor licences: government authorised exchange’ where the guidance makes reference to ‘Higher Education Institution’ it has been changed to ‘higher education provider’, following change to Immigration Rules on 1 August 2019 (para A13 of HC 1779)
- updated the process on refunding fees

Related content

Contents
Sponsor licensing: background

This page gives background information on sponsor licence applications.

The online application process

Applicants can only register, apply and pay for a sponsor licence online.

Applicants are not required to re-submit their organisation details or key personnel information when applying to add a tier or category.

When an applicant has completed the online form, and paid for it using a credit or debit card, they must print and complete a submission sheet giving:

- their organisation details
- the supporting documents they are submitting
- details of the fee they have paid

Once the online payment is accepted and the application is submitted electronically, the applicant sends the submission sheet and supporting documents directly to the Sponsor Licensing Unit.

On receipt of the submission sheet and any supporting documents, the Workflow team files it in date order ready for the caseworker to match it with the electronic case.

Cases are then assessed to see if they are straightforward, complex or should be rejected before being made available to caseworkers.

Official – sensitive: start of section

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

Official – sensitive: end of section

Related content
Contents
Validating the application

This section tells you about the checks you must do when considering an initial sponsor licence application at the validation stage, or an application to add a tier or category to an existing licence.

The applicant’s initial application is caseworked in 2 stages:

- validation
- evaluation

A Sponsor Licensing Unit file cover sheet must be completed at the validation stage and attached to the applicant’s application. The reverse of this sheet must be used when the case is placed in brought forward.

You must use this guidance with the sponsor guidance to complete the validation checks before moving to the evaluation stage. The validation checks are listed in order in the ‘Metastorm perform actions: pre licensing’ guide.

Caseworkers must record the outcome of each check and complete the decision summary in Metastorm ‘Perform actions’.

If the applicant’s application does not meet all of the criteria at validation, you must reject the application.

Related content

Contents
Checking submission sheet

This page tells you about checking the submission sheet for sponsor licence applications.

Applicants must provide a printout of the submission sheet which is part of the online application form.

The sheet must:

- be signed by the authorising officer (AO)
- be an original (photocopies are not acceptable)
- include a list of which mandatory and primary documents they have provided

If the submission sheet contains an original signature and lists the provided documents, you must check the submitted documents are appropriate to the type of sponsor and the sector in which they operate using appendix A of the sponsor guidance.

Original signatures in other languages are acceptable.

If the submission sheet has not been sent within 5 working days of the electronic application being submitted and subsequent reminders being sent, you must:

- reject the case if the submission sheet has not been received by sponsorship casework operations within 10 working days of the application submission date
- request a refund of the application fee
- return any documents the applicant has provided having first logged them on the document screen on Metastorm

If the submission sheet has not been signed by the AO, or has been signed by someone on behalf of the AO, you must reject the case and request a refund of the application fee.

All rejections of applications must be made using reject letter ‘initial application rejection notification and ex-gratia’.

Related content

Contents
Check licence application fee

This page tells you how to check that a sponsor has paid the correct application fee.

An application is not valid unless the sponsor has paid the appropriate fee online. The fee paid must be consistent with the costs set out under the ‘points-based system – sponsorship charges’ section of Home Office immigration and nationality fees and the sponsor's:

- tiers and categories
- size
- charity status

Tiers and categories

You must check the tiers and categories currently active in the sponsor licence and record these on Metastorm ‘Perform actions’ using the perform actions template.

If the sponsor is licensed in:

- Tier 2 (Minister of Religion)
- Tier 5 (Temporary Worker - Religious Worker)
- Tier 5 (Temporary Worker - Charity Worker)

you must check whether the sponsor is a registered charity, or is an unregistered charity and exempt from registering.

Size

You must determine the sponsor’s size using the Companies House website and record this in Metastorm ‘Perform actions’ using the perform actions template.

Small licence fee

A sponsor is eligible to pay the ‘small' licence fee if it either:

- has charitable status
- is subject to the small companies’ regime
- is applying for a Tier 5 licence only

Sponsors that are not eligible to pay the small licence fee have to pay the large sponsor fee.

Charity status

If the sponsor claimed that they either:
• have charitable status
• have the same name as their registered charity
• are a charity exempt from registration, for example, a university or college
• have applied under a different name to their registered charity

but does not meet the requirements of a registered charity or a charity exempt from registering, then the sponsor has paid the incorrect fee.

Registered charity

You must check online that the sponsor is registered with the appropriate charity regulator for the organisation according to location:

- Charity Commission for England and Wales
- Charity Commission for Northern Ireland
- Office of the Scottish Charity Regulator

Charity exempt from registering

If a charity is not registered with the relevant charity regulator, you must check whether the sponsor is exempt from the requirement to register.

The charities acts have more information on reasons for non-registration for England and Wales, Scotland:

- Charities Act 2011 for England and Wales, part 3
- Charities and Trustee Investment (Scotland) Act 2005, part 1
- Charities Act (Northern Ireland) 2008

All charities based in Northern Ireland must be registered.

Some schools can claim charitable status under the Charities Act 2006 but are exempt from the requirement to register. As they will not have documentary evidence to show they are a charity, you can accept they have charitable status if the school:

• is a foundation
• is a trust
• is voluntary aided
• is voluntary controlled
• has academy status

Universities and academies both have automatic charitable status. If an application is from a state funded school and they have paid the small licence fee, you must check to see if a change of circumstance (CoC) request has been made to change the school’s name and status to that of an academy or a foundation or trust school. If there is no CoC request, you must check to find out if it is an academy or a foundation or trust school.
Companies Act

A company qualifies as small if it meets 2 of the below criteria in a financial year:

- turnover is not more than £10.2 million
- balance sheet total is not more than £5.1 million (aggregate of the amounts shown as assets in the company’s balance sheet)
- number of employees does not exceed 50 (taken as an average across the financial year)

A parent company qualifies as a small company only if the group headed by it qualifies as a small group, that is it meets 2 of the above criteria.

A company qualifies as small in relation to its first financial year if the qualifying criteria are met in that year. It qualifies as small in a subsequent financial year if the qualifying criteria are met in that year.

In relation to that subsequent financial year, where, on its balance sheet date, a company meets or ceases to meet the qualifying criteria, that affects its qualification as a small company only if it occurs in 2 consecutive financial years.

Companies excluded from the small companies regime are:

- a company that was at any time within the financial year to which the accounts relate:
  - a public company (a company limited by shares or limited by guarantee and having a share capital, whose certificate of incorporation states that it is a public company)
  - a company that:
    - is an authorised insurance company, a banking company, an e-money issuer, or an Undertakings for Collective Investment in Transferable Securities Directive (UCITS is a management company that is established in the United Kingdom and is authorised and regulated by the Financial Services Authority)
    - carries on insurance market activity (a regulated activity relating to contracts of insurance written at Lloyd’s)
    - is a scheme funder of a Master Trust scheme (a multi-employer occupational pension scheme)
  - a group is ineligible if any of its members is:
    - a traded company (a company any shares of which carry rights to vote at general meetings, and are admitted to trading on a regulated market in an EEA State with the consent of the company)
    - a corporation (other than a company) whose shares are admitted to trading on a regulated market in a European Economic Area (EEA) State
    - a person (other than a small company) who has permission to carry on a regulated activity as monitored by the Prudential Regulation Authority (PRA).
    - an e-money issuer
o a small company that is an authorised insurance company, a banking company, or an Undertakings for Collective Investment in Transferable Securities Directive (UCITS) management company

The sponsor has paid the correct fee

If these checks confirm that the sponsor has paid the correct fee, record your results in Metastorm perform actions using the perform actions template and proceed with the validation.

The sponsor has paid the incorrect fee

If these checks tell you the sponsor has paid the wrong fee, you must:

- refund the balance, send details of the case to the Immigration Skills Charge (ISC) Admin team and continue to casework if they have overpaid
- reject the application if they have underpaid
- record your results in Metastorm using the perform actions template
- pass details of the case to ISC Admin Team, so that they can make the necessary adjustments for the ISC fee

If it is not clear whether the sponsor has paid the correct fee and you need further information, you must:

- issue a letter to request further information and evidence to establish their status, for example:
  o annual accounts to determine annual turnover and the amount on the balance sheet
  o staff hierarchy charts or payroll evidence to check the number of employees
  o interim accounts, if they submit these because final accounts are not available, you must decide if the correct fee was paid based on the interim accounts and other information available to you
- complete this action in line with the guidance on requesting information online
- record actions taken in Metastorm using the perform actions template

Related content
Contents
Financial Services Register
Companies House
UK Authorised Insurers
List of Authorised Master Trust Schemes
Refunding fees

This page tells you when a fee can be refunded and how to arrange a refund for a sponsor licence application fee. These payments are also sometimes referred to as ex-gratia payments.

You must arrange a refund of the application fee when the applicant has:

- underpaid and the application is rejected
- overpaid and the application has been validated and checked for accuracy
- sent in duplicate applications and payments and one application needs to be withdrawn
- submitted and paid for an application, but has not provided the submission sheet or supporting documents

If you think that the applicant is entitled to a refund of any fee paid, you must:

- add the applicant's details to the sponsorship ex gratia spreadsheet, which can be found in the shared drive
- update the payment screen on metastorm to reflect the refund issued

Application withdrawal requests from applicants

If the applicant withdraws their application and requests a refund of the application fee, you must discuss the request with your manager. A refund of the application would not normally be appropriate if you have started to consider the application.

If the manager agrees that you can make the refund (ex-gratia payment), you must:

- withdraw the application on Metastorm
- follow the steps in respect of authorised refunds

If the manager does not agree that you can refund (ex-gratia payment), you must:

- withdraw the application on Metastorm
- write to the sponsor informing them their application has been withdrawn but the Home Office will not refund their fee

Related content

Contents
Checking supporting documents

This page tells you how to check the applicant has provided the correct supporting documents for a sponsor licence application.

The applicant must provide certain information and documents with their sponsor licence application as supporting evidence.

In order to support and validate an application, in most cases the applicant will need to provide a minimum of 4 pieces of information. This will involve the applicant providing some documentation but there is certain information that can be verified by an online check.

You must refer to appendix A of the sponsor guidance to check that all mandatory documents have been provided by the applicant based on the type of organisation, tier or category for which they are applying.

Supporting documents: originals, certified or uncertified copies

An issuing body, a practicing barrister, a solicitor or a notary can certify a document as a true copy of the original. Financial documents can also be certified by a chartered accountant. The document must be:

- signed by the certifier
- have details of the organisation they represent next to the signature

Documents must be linked together with the cover page certified, stating the number of pages included.

When the document is a certified copy and the certifier is a practicing barrister, solicitor, notary or, for financial documents only, chartered accountant, you must check the certifying individual is appropriately authorised:

- for England and Wales:
  - The Law Society
  - Notaries England and Wales: The Notaries Society (which allows searches of Notaries in Scotland, Northern Ireland and Ireland)
  - The Solicitors Regulatory Authority
  - The Bar Council
  - The Institute of Chartered Accountants in England and Wales
- for Scotland:
  - The Law Society of Scotland
  - The Institute of Chartered Accountants of Scotland
- for Northern Ireland:
  - The Law Society of Northern Ireland
  - Chartered Accountants Ireland
If the documents provided are in a language other than English or Welsh, the applicant must provide a certified translation. The translator must confirm:

- they are suitably qualified
- the translation is accurate

If you doubt the translation is authentic, you must send the documents to the Home Office translation service to confirm. You must ask your manager for authorisation, as they will charge the Sponsor Licence Unit for this.

Welsh is a recognised UK language, so any documents submitted in Welsh do not require a translation. If you need to confirm the content of a document, contact the issuing authority.

If the applicant has provided uncertified copies of any of the mandatory documents or the documents have been stamped or signed as certified by a company rather than an individual, you must:

- check if the documents can be verified online and, if so, you can continue consideration
- reject the application if the documents cannot be verified online and request a refund of the application fee

**Supporting documents: sponsor structure**

If an applicant has applied to be licensed as a:

- ‘head office and all UK branches’
- Tier 2 (Intra-company transfer) (ICT)
- group of branches
- an organisation, a sole trader or a partnership with a number of franchises under its control

the applicant must have provided a list of:

- branches
- linked entities
- partnership details
- sites, including names and addresses
- mandatory documents for each branch
- list of franchises under their control

and you must then check the company structure information online and compare this to the information the sponsor has supplied.

When checks are completed and the evidence that the branches or entities are linked by common ownership has been verified, open a Word document and:
• record the branch, entity, partnership, franchise details, and site names and addresses
• record the date the applicant made the application
• save the document to Metastorm using ‘ad-hoc’ letters function under the correspondence tab entitled ‘branches/linked entities/partnership details’
• complete the Metastorm ‘perform actions’ and insert “all branches are recorded under the ‘correspondence tab’” in the status comments box

Supporting documents: other document checks

If the applicant has indicated they are required to be registered with, or inspected or monitored by, a regulatory body to operate lawfully in the UK, you must check the registration with the regulatory body online.

Insufficient or inappropriate documents

If the applicant has not provided mandatory documentation appropriate to the tier or category applied for, or their type of organisation, you must reject the application and request a refund of the application fee.

Related content

Contents
Verifying supporting documents

This section tells you how to check if supporting documents for sponsor licence applications are genuine and how to verify the documents if you have doubts about their authenticity.

As part of your consideration, you must decide if the supporting documents provided are genuine. The list below gives examples of things to look for to help you verify the documents (this is not an exhaustive list).

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

Verifying documents using external bodies

If you cannot contact the issuing body by email, you must telephone them, write to them or refer the document to the Sheffield document centre.
If you verify documents with an issuing body by telephone, you must confirm:

- the name of the person you are speaking to
- their position in the organisation

You must note this information on the document screen in Metastorm with the results of your enquiry. If the evidence confirms a document is false, you must get confirmation from the third party in writing, either by email or letter. You must keep this with the other case papers in case of judicial review.

If you send a written verification request to an issuing body, bring forward the case for 10 working days and note Metastorm with the date.

If you refer a document to the Sheffield document centre, bring forward the case for 5 working days and note Metastorm with the date. As verifying documents from overseas can take a considerable amount of time, however, you must only request verification of them if your manager agrees to it. If it is required, discuss a longer timescale to bring forward the case with your line manager.

**Verification outcome**

If the third party does not respond to the final request, or the result of the check is inconclusive, you must not use the document as evidence and must request another supporting document from the applicant.

If the third party confirms the document is false, you must refuse the application regardless of whether the document is essential to the case and report it to intel.

If the third party confirms the document is genuine, you must consider the application as normal.

**Related content**

*Contents*
Search for previous applications

This page explains the initial checks you must make before you consider an application for a sponsor licence.

Before you check the application, you must establish if the Home Office have had any previous dealings with the applicant using the ‘sponsor summary search’ and the ‘cases linked to sponsor’ functions or the ‘case search’ function in Metastorm. Previous dealings include if they have:

- previously applied for a licence and been refused
- previously held a sponsor licence for the same or similar company name
- surrendered a licence
- had a licence revoked
- had a licence which has expired

Previous refusals

If the applicant has had a licence application refused previously, you must check if the ‘cooling off period’ applies. If it does, you must refuse the application. If it doesn’t, you must investigate the reasons for refusal and establish whether the applicant has addressed those reasons or otherwise has valid reasons for re-applying. If they appear to have, you must request a compliance visit to verify that. If the applicant has not addressed the reasons for the previous refusal, you must refuse the application.

Previous surrenders

If the applicant has previously surrendered a licence, you must find out why. You must continue to consider the application if the applicant had a valid reason to surrender their licence, such as not having any migrants to sponsor. If the applicant does not have valid reasons for re-applying after the previous surrender, however, you must discuss with your manager whether you should request a compliance visit.

Previous revocations

If the applicant has had a licence revoked previously, you must:

- make sure over 12 months has elapsed between the licence revocation and receipt of the current application
- continue caseworking
- request a compliance visit to check if the applicant has addressed the reasons for revocation if they meet all other checks and there are no further concerns

If the applicant has re-applied less than 12 months since the licence was revoked, you must refuse the application.
Previous expiries

If the applicant has allowed a licence to expire, you must check with the applicant whether they did not renew because they did not need to sponsor workers at that time or because they did not submit a renewal application in time.

If the applicant did not submit a renewal application in time, you must request a compliance visit to investigate why they allowed their licence to expire.

Related content
Contents
Duplicate application checks

This page tells you how to check for duplicate sponsor licence applications.

When you are considering an application, you must check if:

- there are any duplicate applications
- there is another current application for the applicant
- the applicant wants the licence to be linked

If there is a previous or another current application, you must:

- check the ‘cases linked to sponsor’ tab to view any other applications linked to the case
- contact the applicant to check if they require a separate licence

If the applicant confirms they intend to add a tier or category to their current sponsor licence, you must:

- reject the application
- refund the fee
- write to the sponsor using the ‘Initial application rejection notification and ex-gratia’ letter and advising they must apply to ‘Add a Tier’

If the applicant confirms they want separate licences, you must continue to casework the application normally.

If the applicant sent in duplicate applications and payments, one of the applications must be withdrawn. You must:

- ask the applicant which is to be withdrawn
- refund the fee
- withdraw the application on Metastorm

Related content

Contents
Checking details in the application are accurate

This page tells you what to do if you identify any errors in the application.

When you consider the application, and make the mandatory checks, you must also proof read the application to make sure:

- the information the sponsor has submitted is consistent
- there are no spelling mistakes
- the sponsor has completed all sections correctly

Minor errors you can amend include:

- additional letters in an address
- names spelt differently from in the rest of the application
- too many digits in the telephone number provided

You can check or cross reference many of these by searching for the applicant’s webpage (if they have one). This may also help you identify any other potential errors in the application.

**Minor errors**

If you identify a minor error which you can clearly identify as a typing error or spelling mistake, you must write to the applicant detailing the errors in the application requesting they submit a correction by using the change of circumstances tool in the sponsor management system.

Alternatively, if the applicant confirms the amendment, use the ‘maintain sponsor’ tab on Metastorm and mark the change as ‘sponsor request’.

**Errors that could affect the caseworking or decision-making process**

If you identify an error that could affect the caseworking or decision-making process, you must contact the applicant to discuss the error identified.

If the error does not affect caseworking or the decision process, you should treat it as a minor error.

In instances such as submitting:

- an address or contact details which may be for a representative
- contradictory information in the application
you must take these into consideration when reaching a decision, as these may lead to the application being refused.

**Related content**

[Contents](#)
Evaluating the application

This section tells you about the checks you must do before you make a decision on an initial application or an application to add a tier or category to an existing licence.

Once the sponsor application has been validated, you must:

- complete the evaluation checks which are listed in order in the ‘Metastorm perform actions: pre licensing’ guide
- record the outcome of each check and complete the decision summary in Metastorm ‘Perform actions’
- review customer service standards and update Metastorm

Related content
Contents
Civil penalty checks

This page tells you how to find out whether there is a civil penalty against the applicant or those named on the application as key personnel.

You must check if any applicant has been issued with a civil penalty. When checking this requirement you must search the relevant spreadsheets as listed in the civil penalties guidance for the company or trading address or the names of the key personnel. This is to identify whether the civil penalty has been issued to the company or the individual.

If there is a hit against the company on the civil penalties database:

- check that the name is for the applicant and not one with a similar name
- check the reason for the penalty
- consult the civil penalties guidance and civil penalties table
- send an email to the Workflow team to confirm whether you can continue with the consideration

If the Workflow team confirms there is an existing issue or fines haven’t been paid, you must discuss with your line manager whether the application is to be refused or a compliance visit is to be requested.

Related content
Contents
Company and insolvency checks

This page tells you how to undertake checks with Companies House and the insolvency register.

Check the sponsors entry on the Companies House website

You must search on the Companies House website for:

- the sponsor, to see whether:
  - the organisation has ceased trading
  - the organisation is in administration
  - the directors have been struck off
- the company contact details, to see whether:
  - the applicant uses a web-based email address, such as Hotmail or Yahoo, rather than one with the company name in the address
  - the telephone number is an 0870 or mobile number, rather than local to the area
- the length of time the company has been trading

You must complete the above checks for all applicants, regardless of sector, size of company or any other profiling attribute and record the outcome of the checks in Metastorm ‘perform actions’ using the perform actions template.

Check the insolvency register

An undischarged bankrupt cannot act as an authorising officer (AO) or a level 1 user. You must check the named AO or level 1 user on the English and Welsh, Scottish and Northern Irish insolvency registers, regardless of where the person is currently based. See section on how to perform insolvency checks for more information.

You can also visit ‘searching disqualified company directors’ on GOV.UK as an additional resource for Companies House and insolvency checks on directors.

Related content

Contents
Special interest markers

This page tells you how to identify whether an applicant has any special interest markers.

You must confirm whether there are any markers against the applicant, what the markers relate to and the action you have taken.

To find out whether there is a marker you must:

- look in Metastorm 'sponsor summary search' for a red banner along the top of the window
- view the markers tab in Metastorm
- check notes in Metastorm and cases linked to sponsor

If there is a marker against the applicant:

- discuss with the team that put the marker on
- discuss with your line manager before contacting the following teams:
  - litigation
  - Risk, Assurance and Capability Unit
  - intel
  - relevant financial investigation team

You must record all findings and actions taken in Metastorm 'Perform actions' as in the perform actions template.

Related content

Contents
Representative checks

This page tells you how to check the applicant’s representatives, if appropriate, in conjunction with the guidance on High risk representatives.

An applicant’s representative can:

- help the applicant complete the online application
- be named on the application and act as key contact (KC)
- be added to the sponsor’s Metastorm record if they are also the KC, however, if the contact name does not match the one on the representative record, you must make sure the application is linked to the existing managed representative record on Metastorm

A representative cannot:

- be named as the authorising officer (AO)
- submit the online application on behalf of the applicant

If you suspect that the representative has submitted the sponsor licence application, you must:

- check whether the submission sheet has been folded, as this could indicate it has been in an envelope and sent between the sponsor and the representative
- email the applicant and ask if they submitted the application themselves
- allow 5 working days for a response

If, following investigations, you are satisfied that the representative has submitted the application, you must:

1. refuse the application

Official – sensitive: start of section

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

This section explains what a compliance visit is, when you must refer for a visit and actions to take following a visit.

This includes how:

- the workflow of visit cases between casework and compliance teams must be managed
- you can request a visit
- the compliance team manage the visit case
- the visit case is returned to casework teams

All actions, unless specified, are performed using the Metastorm function ‘Visit Case’.

You must also review customer service standards and update Metastorm.

Related content

Contents
When to refer for a compliance visit

This page explains what a compliance visit involves and when you must refer for a visit.

Compliance visits are undertaken by compliance officers and involve an on-site visit to an applicant or existing sponsor’s address. Key personnel and migrants already working with the applicant or existing sponsor are interviewed to:

- assess the applicant’s or sponsor’s ability to meet their duties
- assess the applicant’s or sponsor’s compliance with immigration legislation
- get answers to any specific questions you may raise as part of the visit referral

You must refer for a compliance visit if the applicant’s licence was previously revoked, refused or surrendered.

You must consider referring for a compliance visit if:

- the application has hit a risk profile that recommends a compliance visit takes place
- the application has hit a risk profile and Tier 2 genuine employment checks are required
- the application is to add a new tier or category (including highly trusted sponsor status) to an existing licence and the sponsor has not had a visit in the previous 12 months
- the sponsor has applied to renew their licence and is in a category where a compliance visit is required
- the sponsor has applied for premium sponsor status (and has not been visited in the previous 3 months)
- the applicant or sponsor has no previous immigration history
- you need additional information on the applicant’s ability to meet their sponsor duties or compliance to make a decision on an application
- when considering a change of circumstances, follow-on and in-year request from a sponsor, you need further information or identify concerns which can only be resolved by an on-site visit to the sponsor
- the applicant did not apply to renew a previous licence and that licence expired

Related content

Contents
How to refer for a compliance visit

This page explains how you make a visit referral.

All referrals for a compliance visit are made through the sponsor case on Metastorm. A ‘visit case’ can be created from other caseworking activity such as:

- suspension
- action plan
- a standalone case

Completing the ‘Referral source’ fields

The majority of visit requests will be from the Metastorm case and the referral source will be automatically populated. To create a visit case manually, use the case related options below, based on the type of referral to:

- manage the workflow for casework and compliance teams
- capture consistent management information

<table>
<thead>
<tr>
<th>Type of referral</th>
<th>Limitations of use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case related</td>
<td>You must select this for:</td>
</tr>
<tr>
<td></td>
<td>• change of circumstances</td>
</tr>
<tr>
<td></td>
<td>• re-rate</td>
</tr>
<tr>
<td></td>
<td>• surrender</td>
</tr>
<tr>
<td></td>
<td>• pre R400 evaluation cases</td>
</tr>
<tr>
<td>Monthly tasking</td>
<td>Only the Sponsorship, Assurance and Investigations Team must select this option</td>
</tr>
<tr>
<td>Self generated</td>
<td>Only the sponsor management unit (SMU) regions and compliance officers must select this option</td>
</tr>
<tr>
<td>Special operations</td>
<td>Only select with senior manager discretion</td>
</tr>
<tr>
<td>Litigation</td>
<td>Only the litigation team must select this option</td>
</tr>
<tr>
<td>Stakeholder awareness</td>
<td>Only select with senior manager discretion</td>
</tr>
<tr>
<td>Other</td>
<td>Only select with senior manager discretion</td>
</tr>
<tr>
<td>Courtesy visit</td>
<td>Only select for a non-premium related courtesy visit</td>
</tr>
</tbody>
</table>

Do not use any of the following options:

- Tier 1 migrant casework
- Tier 2 migrant casework
- Tier 4 migrant casework
- Tier 5 migrant casework
- Q6
Completing the ‘Visit category’ and ‘Visit priority’ fields

You must use these fields in line with the service level agreements (SLA). These are subject to negotiation and individual teams may not have these agreed. If you are not sure, speak to your line manager.

If you have agreed the category and priority, you must enter these into the applicable fields. If there is no agreement, these fields must be left blank, as they are not mandatory fields.

Adding user name in the ‘Additional info’ box

When you open a visit case in Metastorm and record the visit details, you must insert your user name in the ‘additional info’ box on the ‘visit details’ page.

You can add other appropriate information but your username must appear first. This helps identify you as the case owner and allows you to re-assign the visit case from the compliance teams.

Saving the visit referral and ‘lodging’ the request

You must:

- save the details of the referral to the visit case in Metastorm and ‘lodge’ the request
- add the SLA target date to the case file (the hard copies of an application for instance) and place in the required brought forward filing box or cabinet

Re-assigning the visit case

You must re-assign the visit case as soon as you have ‘lodged’ the request in Metastorm. If you do not, the compliance teams will not be aware of the referral and the target date may not be met.

Holding accounts

You must re-assign a ‘lodged’ visit request to the compliance team holding account ‘CO Pre’.

All requests for sponsor visits are then directed to the Allocation, Monitoring and Performance team (AMPT) where they are triaged, prioritised and allocated to a research officer.

Official – sensitive: start of section

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

If you identify an urgent pre-licence visit referral you must:

- select the ‘Visit category’ as ‘Red’
- select the ‘Visit Priority’ as ‘3’
- include reasons for urgency in the visit referral
- add the reasons to the ‘Additional info’ box
- re-assign the visit case to your line manager

If your manager agrees with the reason for the urgent visit, they must:

- update the ‘Additional info’ box to show authorisation
- re-assign the visit case to the regional Metastorm account

If your manager does not agree with the reason for the urgent visit, they must:

- update the ‘Additional info’ box to indicate reasons for rejecting the urgent visit
- re-assign the visit case back to you to re-assign to the regional Metastorm account with a revised visit category and priority

The compliance team reject the visit referral

Compliance teams may reject a visit referral for a number of reasons. These include:

- the applicant or sponsor has been recently visited and there is no value in conducting a further visit
- there is an ongoing police or enforcement operation and a visit could threaten the investigation

Compliance teams must complete the ‘Request rejection details’ to the visit case but must not ‘Confirm rejection’ as it closes the visit case. Once the ‘Request rejection details’ are completed, the visit case must be re-assigned to the referral source holding account.

Rejected visit referrals will be captured on daily management information by the Sponsor Workflow team. The workflow officer or manager must re-assign the visit case to the originating caseworker or their manager if they are absent. You must
complete the ‘Confirm rejection’ actions in the visit case to close the visit case before taking any further action.

Related content

Contents
Compliance visit workflow

This page explains how you are notified when a compliance report is completed and available.

Once the visit is concluded, the visit case is re-assigned to the appropriate sponsor team holding account, as listed in the table on this page. Visit cases will be returned to the team which requested the visit, unless the visit was self-generated.

Compliance officers will re-assign self-generated visits to the appropriate sponsor team based on the visit outcome. For example, if a self-generated visit has resulted in the sponsor stating they wish to surrender their licence, the ‘Visit outcome’ in the visit case is ‘Surrender’ and you must re-assign the case to ‘ZZRevoke’.

<table>
<thead>
<tr>
<th>Team</th>
<th>Holding account</th>
<th>Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sponsor casework operations.</td>
<td>AASCO</td>
<td>All Tier 2 and 5 pre-licence.</td>
</tr>
<tr>
<td>Sponsorship, Assurance and Investigations Team.</td>
<td>AASAIT</td>
<td>All monthly tasking.</td>
</tr>
<tr>
<td>Licence renewals.</td>
<td>AARenewal</td>
<td>All sponsor licence renewals.</td>
</tr>
<tr>
<td>Sponsor re-rates.</td>
<td>ZZRating</td>
<td>All Tier 2 and 5 licence re-rates.</td>
</tr>
<tr>
<td>Sponsor suspension and revocation.</td>
<td>ZZRevoke</td>
<td>All suspension and revocation licence surrenders.</td>
</tr>
</tbody>
</table>

The visit case is re-assigned to a casework team

Once the visit case has been assigned to you, you must bring the case file out of brought forward.

You must go to the ‘Licence outcome’ page in Metastorm. The ‘Visit outcome’ will have already been completed by the lead compliance officer and the visit report will be attached to the visit case under the correspondence tab.

Owners of parent cases (post-licensing activity)

A parent case is one which remains open whilst a visit case is completed. Parent cases are:

- action plans
- suspend or revoke
- premium sponsor applications

Visit cases will be re-assigned to the casework team holding account and managers must re-assign to the parent case owner.
The target date has been exceeded

Allocation, Monitoring and Performance team, using the daily visit case management information, must identify:

- any visit cases which will exceed their target date
- if it relates to an open case with a service level agreement (SLA) (such as application or renewal case) report on when the ‘Visit outcome’ is to be completed and re-assigned to the casework team

You can check on the progress of individual visit cases by using the ‘Sponsor summary search’ and the ‘Visit’ tab to identify what stage the visit is at.

Related content

Contents
Compliance report rejections

This page tells you about checking and amending a sponsor licence compliance report.

When an issue is identified with a compliance report, you must complete a report reject form and complete the rejection action in the visit case on Metastorm. You must also review customer service standards and update Metastorm.

Issues can include:

- personal comments made by the compliance officer
- conflicting or contradictory information
- unsubstantiated claims made in the report
- information which is wrong or not factual
- failure to fully complete any tasking requirements

The compliance officer must either submit a new compliance report or query the rejection. For those reports about a:

- new licence
- licence renewal
- premium sponsor application
- premium sponsor renewal application

an amended report or response from the compliance officer must be received within 5 working days of the report being rejected. If the application is close to the customer standard service level agreement, you must agree a shorter timescale for response with the compliance officer.

Visit report rejections

If you reject a visit report, you must:

- complete the ‘Report reject’ form and save this to the visit case as an ad-hoc letter
- complete the reject visit report screen on the visit case in Metastorm
- set the revised visit report target date for the next day to make sure that the rejection will appear on the management information for the compliance team to re-assign
- re-assign to the appropriate regional Metastorm account

If the visit report is returned with amendments, you must:

- update the ‘Report received date’ in Metastorm
- continue to casework

If the visit report rejection is challenged by the compliance officer, you must:
• consider any information submitted by the compliance officer
• discuss with your manager

If the visit report is not returned, you must:

• check on the progress of individual ‘Visit cases’ by using ‘Sponsor summary search’ and ‘Visit’ tab
• speak to Allocation, Monitoring and Performance team as to whether a report has been provided for the visit case exceeding the target date

Related content

Contents
Compliance visit outcome

This page explains what you must do when the compliance report is completed and available.

Your team workflow will re-assign a visit case to you if the visit case:

- is linked to a case assigned to you
- falls within your team’s responsibility

You must quality check the compliance visit report to ensure that it meets tasking, is factually correct and has been written in line with the published guidance. If you have concerns about the visit report, you must ask your line manager for advice.

You must complete the visit case and, when you have reached a decision on the applicant or sponsor, record the outcome. You must also review customer service standards and update Metastorm.

Related content
Contents
Risk checks

This page tells you about risk checks for sponsor licence applications.

As part of making your decision, you must check to see if the application meets any of the attributes on a sponsor risk profile.

Sponsor profiles have been developed for sponsors in specific sectors. These have been developed by analysing previous sponsor behaviour and evidence about abuse of the immigration system in these sectors.

Official – sensitive: start of section

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Official – sensitive: end of section

You must record the results of your checks in Metastorm ‘Perform actions’.

Related content
Contents
Key personnel checks

This section tells you what checks you must do on an applicant, and their key personnel, before you decide to grant or refuse a sponsor licence.

You must:

- use the case search facility on Metastorm to check if the authorising officer (AO) or key contact (KC) named on the application has previously acted as either AO or KC for a licensed sponsor
- use the Companies House website to check if any of the named key personnel, including the level 1 user, are disqualified directors
- use i-Search to check CID and CRS to check if the AO, KC or level 1 user named on the application are subject to immigration control but, if the application states they are British nationals, you don’t need to do this
- use the insolvency register to check if the AO or level 1 user named on the application are undischarged bankrupts
- use the insolvency and bankruptcy register to check if any key personnel are subject to a:
  - bankruptcy restriction order or undertaking
  - debt relief restriction order or undertaking
- record the results of the checks in the appropriate ‘Perform actions’ in Metastorm

Representatives can act as key contacts on numerous applications for different sponsors but this does not automatically mean there are issues with compliance.

If the AO or KC are named on a previous sponsor licence with the same name or on unconnected sponsor licences, you must check whether that sponsor has a history of non-compliance and what action was taken.

If there is a history of non-compliance warnings or the visiting officer’s report confirms concerns, you must ask your manager to consider if you must refer the applicant for a pre-licence visit to make full checks.

You must refuse the application if the named key personnel are:

- disqualified directors
- subject to a bankruptcy restriction order or undertaking, or a debt relief restriction order or undertaking
- undischarged bankrupts

If the named key personnel are subject to immigration control, you must use i-Search to check CID or CRS to establish that the named key personnel have the required leave to remain, and are permanently based, in the UK. You must contact the applicant to request passport details where there is any doubt about the individual’s status.
If the key personnel are not permanently based in the UK, or do not have leave to remain, you must contact the applicant and request that they nominate new key personnel.

If the level 1 user is not a settled worker, you must casework as normal but request the sponsor appoints a settled SMS user post-licence.
Criminality and immigration history checks

This page tells you about the criminality and immigration history checks you must do for sponsor licence applications.

Before you casework an application, you must make sure that the Workflow team have completed and recorded the following checks:

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

The Workflow team request cross checks on the day following receipt of the electronic licence application submission and record the outcome on the relevant spreadsheet. When evaluating the application, you must check the relevant spreadsheet for the results.

You must record the results of your checks in Metastorm ‘Perform actions’.

Related content

Contents
Legacy and current system checks

This page tells you how to check the legacy and current systems for adverse information about an applicant’s key personnel and representatives.

You must:

- carry out the following checks as part of your consideration
- record the results of the checks in the appropriate ‘Perform action’ on Metastorm

Metastorm

You must check:

- the applicant’s and representative’s history
- the immigration status of any key personnel named on the application form
- any previous or current applications from the applicant

Official – sensitive: start of section

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Official – sensitive: end of section

I-Search

You must check the immigration status of any key personnel named on the application form across current and legacy Home Office systems as detailed in the system checks outlined below.

CID and CRS

If the authorising officer, key contact or level 1 user named in the application indicates they are under immigration control, you must check to confirm that:

- non-European Economic Area (EEA) key personnel named on the application have the right to be in the UK and under what conditions
If the key personnel named in the application have appropriate permission, you must continue to consider the application.

If the leave to remain of key personnel named on the application has expired, you must:

- contact the applicant to confirm the immigration status of the person named in the application
- if the person does not have permission to work, refer the application to your manager to consider:
  - refusing the application
  - requesting a visit with a view to issuing a civil penalty

Warehouse

You must check a person’s immigration history on:

- landing cards
- asylum applications
- file tracking services
Insolvency checks

This page tells you how to do insolvency checks for sponsor licence applications.

An undischarged bankrupt cannot act as key personnel. You must check the named authorising officer, key contact or level 1 user on the English, Welsh, Scottish and Northern Irish insolvency registers, regardless of where the person is currently based.

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

The results of your search

If the searches result in a match, you must double check the name and details on the website are a definite match with the named key personnel.

If it is not clear whether the details on the website are a definite match, for example, the website shows several people with the same name and the same or similar date of birth, you must:

• write to the proposed key personnel and request their residential addresses for the last 10 years
• compare the details provided with the address held on the relevant website

If:
• the searches do not result in any matches
• the details on the website are not a match to the named key personnel
• the details are a definite match and the named individual has an individual voluntary arrangement (IVA) against them

you must accept the key personnel and continue to casework as normal.

You must refuse the application if the details are a definite match for the key personnel and the named individual is noted as being an undischarged bankrupt.

Related content

Contents
Sponsor file management

This section explains how you can submit sponsor files to storage, how to link documents to existing files and how to request files from storage.

All sponsor files are managed by an approved contractor, Iron Mountain. Sponsor files are created and documents retained to:

- provide a record of applicant or sponsor interactions which cannot be recorded against the sponsors licence on Metastorm as a note or document
- retain primary evidence

Sponsor file requirements include the following:

- all sponsor files are referenced by the original application licence reference, the sponsorship licence (SPL) number
- all original documents must be returned to the applicant or sponsor
- copies of documents used in application refusals or punitive (disciplinary) action against the applicant or sponsor must be retained in case the decision is challenged
- original signatures must be retained where the sponsor authorises changes to their licence
- sponsor licences have a duration of 4 years and a file destruction date of 5 years, however, sponsors can renew their licence so the requirement for storage of sponsor files is potentially indefinite if the sponsor renews their licence every 4 years

You must make sure you comply with the requirements for storage. For further information on file compliance and storage requirements, see record services guidance (borders, immigration and visas).

Your team may have its own workflow which collates files for sending to Iron Mountain and you must follow any team arrangements for file management.

If you do not have any on team workflow arrangements, all files that need to be sent to storage, including:

- new files
- linking requests
- files returned when recalled

must be sent to the following address:

Official – sensitive: start of section

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

This page explains how you create a new sponsor file.

New sponsor files are created when a Tier 2 or Tier 5 application submission sheet is received.

Applications for additional tiers, categories, premium and SME+ service must relate to an existing sponsor licence. Documents from these applications which need to be retained must be linked to the original sponsor file.

For a new sponsor file, you must complete and attach the ‘Sponsor licensing unit cover sheet’ to the submission sheet.

You must send the submission sheet, cover sheet and any additional documents to storage, whether the application is rejected, granted or refused.

When creating a new sponsor file, you must make sure you comply with the requirements for storage. For further information on file compliance, see record services guidance (borders, immigration and visas).

Iron Mountain will create a barcode for the file and input the file to the record management system (RMS).

Related content

Contents
Linking to a sponsor file

This page explains how you create a linking request to link documents to an existing sponsor file.

Once a sponsor file has been created, you can link additional documents to the file. You must only link documents that you are required to retain as evidence of applicant or sponsor interactions:

- which cannot be retained electronically
- where retention of original signatures is required

This can include:

- evidence relating to applications for additional tiers or categories, renewal applications and applications for premium and SME+ service
- change of circumstances submission sheets, where a signature is required to authorise a change to a sponsor’s licence at the sponsor’s request
- files where a sponsor licence has been re-rated invoking a fee
- files where a sponsor licence has been suspended and revocation of the licence is initiated and any subsequent representations submitted by the sponsor
- all original interview notes from compliance visits

All original documents submitted by the applicant or sponsor must be returned to them.

Performing a file search

Before completing a linking request, you must check to make sure the file has been created or is in storage. If the linking request relates to a new sponsor application, for example, linking the interview notes from a compliance visit, the file may not yet have been sent to Iron Mountain and the linking request will be rejected and returned to you.

Files for existing sponsors may be recalled from storage and any linking requests received when a file is out of Iron Mountain will be rejected and the linking request returned to you.

You must check the file you are linking to is in storage by searching for the file on record management system (RMS).

If the search on RMS returns a ‘hit’ and the file is in storage, you can submit the linking request.

If the search on RMS returns a ‘hit’ and the file is not in storage, you must identify the file location and either:
• bring forward the linking request until the file is in storage
• if the file is with someone at your location, add the documents to be linked to the file

If the search on RMS does not find a matching file, you must bring forward for a month and conduct another search for the file. If the second search also does not find a matching file, in accordance with the records compliance and storage guidance (borders, immigration and visas), you must raise this with the Record Services team, as the file may be missing.

You must complete the RSCU5 linking request and submit this as the top sheet for all linking requests. Iron Mountain will reject all linking requests submitted without a RSCU5 or completed incorrectly. For guidance on completing the RSCU5, see Combining and renumbering records in the record management system.

When linking documents to an existing file you must make sure that you comply with the requirements for storage.

Related content
Contents
Recalling a sponsor file

This page explains how you recall a sponsor file from storage.

You can only recall a sponsorship file by accessing the record management system (RMS) and submitting a request.

All sponsor files are recorded on RMS and you can search for a sponsor file by their sponsorship licence (SPL) number.

When you have submitted your request on RMS, Iron Mountain will recall the file from storage and send it to you. You must then update the file location on RMS upon receipt of the file.

Related content

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

Official – sensitive: end of section

Related content
Contents
Tier specific information

This section gives you additional information for sponsor licence applications for some categories of the points-based system.

You must conduct the perform actions for the relevant tier and record the outcome of these in Metastorm ‘Perform actions’.

Related content
Contents
Tier 2 (General)

This page tells you what you must consider for a Tier 2 (General) applicant.

This sponsorship category is for skilled migrant workers only. Any migrant fitting into this category must be coming to fill a job vacancy at graduate level (which equates to regulated qualifications framework (RQF) level 6). You must remember that this does not mean the migrant has to have a degree level education but the work the migrant will do must be pitched at graduate level. Sponsors must be able to support vacancies at this level or, where an exception applies, at least at the appropriate level.

Skill level exceptions

For those with leave granted before 6 April 2011, the minimum level was set at Scottish or national vocational qualification (NVQ) level 3. A sponsor can still issue a certificate of sponsorship (CoS) for a migrant at this level provided:

- the migrant’s leave has been granted under either:
  - Tier 2 (General) before 6 April 2011
  - a work permit
  - representative of overseas newspaper, news agency or broadcasting organisation
  - member of operational ground staff of an overseas airline
  - Jewish Agency employee
- the migrant has not been granted leave in any other route

This transitional arrangement for extension and change of employment applications for workers sponsored before 6 April 2011 at RQF level 3 only applies to CoS assigned before 6 April 2017.

From 6 April 2011, the skill level was raised to RQF level 4 (or the equivalent in Scotland), and from 14 June 2012, it was raised again to RQF level 6 (or the equivalent in Scotland).

This transitional arrangement for extension and change of employment applications for workers sponsored between 6 April 2011 and 13 June 2013 at RQF level 4 only applies to CoS assigned before 6 July 2018.

It remains at RQF level 4 (or the equivalent in Scotland), however, for jobs which appear on the list of shortage occupations or are a creative sector occupation as listed in the Tier 2 and 5 sponsor guidance.

Restricted certificate of sponsorship (CoS)

There is an annual limit of 20,700 CoS available to sponsors under Tier 2 (General). The limit runs from 6 April each year to 5 April the following year.
The limit applies to CoS for:

- new hires earning under £159,600 each year coming to work in the UK from overseas
- the dependant of a migrant who was last granted leave under Tier 4, where that dependant is already in the UK and wishes to switch into Tier 2 (General) and will be paid less than £159,600

These people require a ‘restricted’ CoS unless the applicant is Croatian.

The sponsor must gain permission from the Home Office before assigning a restricted CoS. They must include details about the position being applied for, such as role and salary, on the restricted CoS application.

Assigning an unrestricted CoS where a restricted one is required is a breach of the sponsor’s duties.

**Tier 2 (General): sponsors of shortage occupations – digital technology workers**

The qualifying company criteria for digital technology occupations specified in Appendix K to the Immigration Rules were deleted on 6 October 2019. If a sponsor assigns a certificate of sponsorship (CoS) in a digital technology occupation on or after that date, they no longer need to meet the specific digital technology qualifying company criteria. They must, however, meet the general requirements for sponsoring a migrant in a shortage occupation. For guidance on CoS assigned in digital technology occupations on or before 5 October 2019, see ‘Requirements for sponsoring a Tier 2 (General) migrant in a digital technology job on the shortage occupation list’.

**Related content**

[Contents]
Tier 2 (Intra-Company Transfer)

This page tells you what to consider for a Tier 2 (Intra-Company Transfer) (ICT) sponsor licence application.

This category is for sponsors to bring migrants working overseas for a linked, multinational organisation under one of the following sub categories:

- long term staff – for established employees transferring to the UK to fill a post which cannot be filled by a settled worker
- graduate trainee - coming to the UK as part of a structured graduate training programme

Migrants sponsored under Tier 2 (ICT) can only work in a skilled occupation at, or above, regulated qualifications framework level 6 (or the equivalent in Scotland). There are, however, exceptions for existing employees. For details, see ‘Tier 2 (General)’

Applicants must show a direct link by common ownership or control with the overseas entities from which they will bring migrants to the UK. The evidence they must supply is listed in appendix A of the sponsor guidance. If they can’t show the link, the application must be refused.

Related content

Contents
Tier 2 (minister of religion)

This page tells you about the category specific requirements to consider for Tier 2 (minister of religion) sponsor licence applications.

In this category, the applicant organisation must be a genuine religious institution. It must be either:

- a [registered or exempt UK charity](#) according to the relevant charity legislation in force in its location in the UK
- an ecclesiastical corporation (either corporation sole or body corporate) established for charitable purposes

In Northern Ireland, the organisation must also have obtained charitable status for tax purposes from HM Revenue and Customs. Charities that are not registered according to the relevant charity legislation must explain the reason for non-registration when they apply.

Related content

[Contents](#)
Tier 2 (Sportsperson) sponsor licences

This page gives you additional information for considering sponsor licence applications for Tier 2 (Sportsperson).

This category is for the employment of elite sportspeople and coaches who are internationally established at the highest level and who intend to be in the UK for longer than 12 months. All applications from applicants under Tier 2 (Sportsperson) must be accompanied by an endorsement from the relevant sport's governing body. For example, a sponsor applying to sponsor footballers in England must be endorsed by the Football Association (FA).

The governing body endorsement for each club must include a unique reference number (URN) and the applicant must provide it on the electronic application form. The endorsement from the governing body must be on headed notepaper. You must make sure that the governing body endorsement is relevant to the tier that the applicant is applying under.

The unique reference number must be in the following format:

- four letters: the first 4 letters of the sport, for example, rugby union would be RUGU
- two numbers: these relate to the approved number of governing bodies for that sport, for example, in rugby union there are 4 governing bodies, one for each of the home nations, so Wales may be 01, England 02, and so on (some sports only have one governing body in which case this number will be 01)
- two numbers: the year of issue, for example, a reference issued in 2016 would be number 16
- one letter and 3 numbers: the letter being ‘S’ for sponsor and numbers reflecting the number of endorsements issued by that governing body, for example, if Northampton Saints is the 16th rugby union club to be endorsed by their governing body, then this would be S016

An example of a governing body endorsement is: RUGU02/17/S016.

Applicants cannot sponsor any sportspeople or coaches under this category until the governing body has been approved by the Home Office and listed in appendix M of the Immigration Rules.

If you are considering a Tier 2 (Sportsperson) sponsor licence application, you must check:

- how many sports the applicant is applying for
- there is a sports governing body endorsement from a recognised governing body for each sport

If the application is accompanied by a governing body endorsement, you must check if the sports governing body has been approved and is listed in appendix M of the Immigration Rules. If it is, you can to continue to casework as normal.

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If the governing body is not listed in appendix M of the Immigration Rules for the sport applied, you must contact the Migration Policy Unit (MPU) to establish if a new sports governing body has been approved and is due to be listed in the rules. If it is, you must casework as normal but advise the sponsor that a migrant cannot apply for leave until the new governing body is listed in the Immigration Rules.

If a governing body is not listed in appendix M of the Immigration Rules and MPU tells you they have not agreed endorsement requirements, you must refuse the application. If, however, the sports governing body are in discussions with MPU about their endorsement requirements, you may bring forward the application until agreement has been reached or the governing body withdraw from discussions.

Related content

Contents
Tier 5 (Temporary Worker) sponsor licences

This section gives you additional information for considering sponsor licences for Tier 5 (Temporary Worker) categories.

There are 5 categories of temporary worker in Tier 5:

- charity worker
- creative and sporting
- religious worker
- government authorised exchange
- international agreement

This guidance does not include any specific details about Tier 5 (Youth Mobility Scheme) workers, as they are not sponsored in the same way as other Tier 5 migrants.

Related content
Contents
Tier 5 (Temporary Worker): charity worker

This page tells you what you must consider for Tier 5 (Temporary Worker): charity worker licence applications.

Migrants coming into the country under this category:

- cannot be paid for the work they are doing, it must only be voluntary, but they can be paid reasonable expenses
- must only do fieldwork that is directly related to the purpose of the sponsoring organisation
- must not be filling a permanent position, including on a temporary basis

For more information on expenses, see section 44 of the National Minimum Wage Act 1998.

Fieldwork

This is defined as activities which would not normally be offered at a waged or salaried rate and which contribute directly to the achievement or advancement of the sponsor’s charitable purpose. It does not include work additional to the sponsor’s charitable purpose including, for example, routine back office administrative roles, retail or other sales roles, fund-raising roles and roles involved in the maintenance of the sponsor’s offices and other assets.

Charity status

All applicants in this category must have charity status.
Tier 5 sponsor licences: creative and sporting

This page tells you what to consider for Tier 5 (Temporary Worker): creative and sporting licence application.

Sponsors under this category must be seeking to bring to the UK:

- sportspeople (and their entourage where appropriate) and coaches coming to the UK for a maximum of 12 months
- entertainers or creative artists coming for a maximum period of 12 months, with the option to extend their stay in the UK up to a maximum 24 months

Creative

Sponsors must be operating, or intending to operate, in the creative sector. Examples include, but are not limited to:

- a national body
- event organiser
- producer
- venue
- agent
- other similar organisations

Sporting

This category is for sportspeople (and their entourage where appropriate) and coaches:

- who are internationally established at the highest level in their sport
- whose employment will make a significant contribution to the development of the sport in the UK

They must meet the following rules:

- the sponsor must have a governing body endorsement from the appropriate Home Office-approved sports governing body
- the sponsor cannot be an agent
- the migrant must have a personal endorsement from the appropriate Home Office-approved sports governing body before being assigned a certificate of sponsorship (CoS)

Approved sports governing bodies are in appendix M of the Immigration Rules.

Related content
Contents
Tier 2 (Sportspeople) sponsor licences
Tier 5 sponsor licences: religious workers

This page tells you about the category specific requirements to consider for Tier 5 (Temporary Worker) - religious workers sponsor licence applications.

In this category, the applicant organisation must be a genuine religious institution. It must be either:

- a [registered or exempt UK charity](#) according to the relevant charity legislation in force in its location in the UK
- an ecclesiastical corporation (either corporation sole or body corporate) established for charitable purposes

The applicant must be being sponsored to perform religious duties, which:

- must be work which is within the Sponsor’s organisation, or directed by the Sponsor’s organisation
- may include non-pastoral work
- does not include work which falls under the role of a minister of religion, as set out in [paragraph 169(i) of the Immigration Rules](#)
- if the Sponsor’s organisation is a religious order, that the applicant is a member of that order
- that the applicant will receive pay and conditions at least equal to those given to settled workers in the same role
- that the remuneration complies with or is exempt from National Minimum Wage regulations, and provides details of the remuneration

Details of how the resident labour market test has been complied with or why the role is exempt from the test needs to be evident, as set out in [paragraph 92A of the Appendix in the Immigration Rules](#).

In Northern Ireland, the organisation must also have obtained charitable status for tax purposes from HM Revenue and Customs. Charities that are not registered according to the relevant charity legislation must explain the reason for non-registration when they apply.

**Related content**

[Contents](#)
Tier 5 sponsor licences: government authorised exchange

This page tells you about the category specific requirements to consider for Tier 5 (Temporary Worker) - government authorised exchange (GAE) sponsor licence applications.

Under this category, both the exchange scheme and overarching body must:

- have the support of a UK government department, or executive agency of a government department
- be approved by the Home Office
- be listed in appendix N of the Immigration Rules

An applicant or sponsor cannot sponsor any migrants to participate in a new scheme until it is listed in appendix N of the Immigration Rules.

Sponsors cannot use this category to:

- fill job vacancies
- bring unskilled labour to the UK

Individual employers and organisations cannot sponsor migrants under this scheme even if they are licensed sponsors under all other tiers or sub-categories.

The only exceptions to this are:

- higher education provider (hep) or UK Research and Innovation (UKRI) and organisations endorsed in the Science, Research and Academia programme, that is recruiting:
  - a sponsored researcher
  - a visiting academic who will give lectures, act as an examiner or work on a supernumerary research collaboration
  - government department or a government department executive agency

GAE is split into the following categories:

- a work experience programme
- a research programme
- a training programme (including training provided by HM Forces and the UK emergency services)
- an overseas language programme

Migrants’ leave will be limited to a maximum of 12 or 24 months depending on which category they apply under.
There must be an overarching body to administer the scheme and both the sponsor and scheme must have the support of the UK government or executive agency of a government department.

If you receive an application for a Tier 5 GAE sponsor licence, you must check that the:

- overarching body of the exchange scheme or an acceptable excepted organisation has submitted the application
- scheme is listed in appendix N of the Immigration Rules

If an overarching body or an acceptable excepted organisation has not submitted the application, you must reject the application and arrange for the fee to be refunded.

If the applicant is not listed in appendix N of the Immigration Rules, you must contact the Migration Policy Unit (MPU) to establish if a new scheme has been approved and is due to be listed in the Immigration Rules. If it isn’t and the scheme has not been submitted for approval by the Home Office, you must refuse the application.

If a new scheme has been approved by the Home Office but has not yet been listed in appendix N of the Immigration Rules, you must casework as normal but advise the applicant that a migrant cannot apply for leave until the new governing body is listed in the Immigration Rules.

You must discuss whether you can bring forward the application with your manager if MPU is considering the new scheme.

**Related content**

[Contents]
Tier 5 sponsor licences: Seasonal Workers

This subcategory is for migrants coming to the UK as seasonal workers in the edible horticulture sector through an approved scheme operator. This is a pilot scheme that will run between March 2019 and December 2020.

The ‘edible horticulture sector’ means those growing:

- protected vegetables – those grown in glasshouse systems
- field vegetables – those grown outdoors, including vegetables, herbs, leafy salads and potatoes
- soft fruit – those grown outdoors or under cover (for example, in glasshouses or a polytunnel), such as strawberries, raspberries, blackcurrants, blueberries and all ribes and rubus species
- top fruit (orchard fruit) – trees that bear fruit, such as apples, plums, cherries, and apricots
- vine and bines – both twining or climbing flexible stems of certain plants – for example, hops is a bine, and grapes is a vine
- mushrooms – typically covers Agaricus bisporus species but can also include more exotic species; typically grown indoors

‘Seasonal work’ means employment which fluctuates or is restricted according to the season or time of the year.

To be allowed to apply for a licence to sponsor seasonal workers, sponsors must be:

- endorsed by the Department for Environment, Food and Rural Affairs (DEFRA) to be an approved scheme operator
- licensed by the Gangmasters and Labour Abuse Authority

Individual employers and organisations are not allowed to sponsor migrants under this route, even if they are licensed as a sponsor under other tiers or other subcategories of the points-based system.

You can refuse a sponsor licence application, even where a DEFRA endorsement has been secured.

Any work or activity carried out by migrants on a Tier 5 (Temporary Worker) Seasonal Workers scheme must be in a seasonal role with an employer in the horticultural sector, assigned by an approved scheme operator.

This pilot is subject to an annual quota of 10,000 set by the Home Office, and divided between the 2 scheme operators. They will not be permitted to exceed this quota.
Migrants can be sponsored for a maximum period of 6 months’ employment in the UK within any 12-month period. Migrants cannot stay in the UK for longer than 6 months under this scheme.

Sponsors must undertake robust and comprehensive monitoring of all sponsored migrants in their work place, including ensuring that:

- their work environment is safe and complies with relevant Health and Safety requirements
- they are treated fairly by their employer
- they are paid properly – this includes satisfying National Minimum Wage regulations and Holiday Pay
- they are allowed time off, and proper breaks
- they are provided with appropriate equipment to do their job safely
- they are housed in hygienic and safe accommodation
- they are not transported in unsafe vehicles
- they are not threatened with, or subjected to, violence
- their passport is not withheld from them
- procedures are in place to enable migrants to report any concerns to you, and to enable them to move to another employer where possible

For guidance on meeting these requirements see: ‘Employing people’.

Sponsors must not place any additional charges on participating migrants, beyond the costs of administrating the scheme.

Sponsors cannot use the Tier 5 (Temporary Worker) Seasonal Workers subcategory to source their own labour needs.

Migrants must have prior entry clearance (a visa) to come to the UK in this subcategory. They will not be permitted to extend their stay in the UK.

When sponsors assign a CoS to a migrant who will take part in a Tier 5 Seasonal Workers scheme, they guarantee that the migrant:

- is at least 18 years old
- will not establish a business in the UK
- will only take employment in a seasonal job permitted by this scheme, and with an employer in the horticultural sector that has been assigned by you
- will comply with the conditions of their entry clearance and will leave the UK when it expires
Tier 5 sponsor licences: international agreements

This page tells you about the category specific requirements to consider for Tier 5 (Temporary Worker) - international agreements sponsor licence applications.

In this category, to get a licence to sponsor the following:

- employees of overseas governments
- employees of international organisations
- private servants in diplomatic households or household of officials working for international organisations
- employees from an overseas service supplier and independent professionals under the following agreements and similar agreements between the UK and another country:
  - General Agreement on Trade in Services (GATS)
  - European Union (EU) - Chile Free Trade Agreement
  - EU-CARIFORUM Free Trade Agreement
  - EU-Andean Free Trade Agreement
  - EU-Ukraine Association Agreement
  - EU-Georgia and EU-Moldova Association Agreements
  - EU-Canada Comprehensive Economic and Trade Agreement (CETA)
  - Least Developed Countries (LDC) waiver - additional commitments notified to the World Trade Organisation (WTO) by the EU in November 2015 in respect of the treatment given to service suppliers of least developed countries

the applicant must be:

- a diplomatic mission
- an international organisation recognised by the UK
- an organisation or private individual who has contracted with an overseas supplier for the supply of a service under an International Trade Agreement (ITA)

If you are considering a Tier 5 international agreement sponsor licence application to bring to the UK either:

- employees of overseas governments
- employees of international organisations
- private servants in diplomatic households or household of officials working for international organisations

the application must have been submitted by either:

- a diplomatic mission, for example, the American embassy
• an international organisation recognised by the UK, for example, the United Nations

If it hasn’t, you must refuse the application.

Such an application must be accompanied by a letter from the head of mission or organisation confirming they:

• agree to the application being made
• wish to sponsor migrants under Tier 5 (Temporary Worker) International Agreement
• accept the sponsorship requirements

If a letter isn’t supplied, or it doesn’t contain all of the required information, you must request the letter, or a new letter, be supplied.

If you are considering a Tier 5 international agreement sponsor licence where the applicant wants to bring contractual service suppliers or independent professionals to the UK to provide a service to them, you must check that the:

• organisation or private individual has contracted with an overseas supplier for the supply of services under GATS or a similar international trade agreement as listed in appendix F of the sponsor guidance
• organisation or private individual has contracted with an independent professional as listed in appendix F of the sponsor guidance
• sector is covered by an international trade agreement as listed in appendix F of the sponsor guidance

Although contracts do not have to be supplied with applications, if one is, it must cover a period of no longer than 12 months. Any that do cover more than 12 months should be discussed with your manager.

Related content
Contents
Decision making

This page tells you what to do when you grant or refuse a sponsor licence application.

You must use this guidance with the existing sponsor guidance before you make your decision.

When checks are completed, including any tier specific checks, you must record the outcome and enter the decision summary in Metastorm ‘Perform actions’.

Granting applications

If you grant the applicant an A-rated licence in any tier or category, you must:

- determine the applicant’s certificate of sponsorship (CoS) allocation
- update Metastorm with all decisions and allocations awarded
- send the ‘Initial application decision notification - grant A’ letter informing the sponsor of the decision and their CoS allocation in each tier

If you grant the application to add a tier or tiers to an existing sponsor licence, you must:

- determine the applicant’s CoS allocation in that tier, or tiers
- update Metastorm with all decisions and allocations awarded
- send the ‘Add a tier decision notification – grant A’ letter informing the sponsor of the decision and their CoS allocation in each tier

Refusing applications

If you refuse the applicant’s licence in all tiers and categories, you must send the ‘Initial application decision notification – refusal’ letter, including all reasons for refusals.

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

Related content

Contents
Allocations

This page tells you how to decide on the number of certificates of sponsorship (CoS) the applicant can be granted and information on tier specific requirements which may apply.

When making an online application for a sponsor licence, the applicant indicates the number of CoS they will require for the first 12 months of their licence either to:

- extend existing migrants under the work permit arrangements whose leave is due to expire
- recruit new migrants who are already in the UK or who will be paid at or above the high earner threshold (currently £159,600)

The applicant or sponsor must provide:

- a justification in support of the number of CoS they require
- details of the tiers or categories they are required for

New applications

You must consider:

- the number of unrestricted CoS the applicant has requested to cover the period from the date the sponsor licence is granted until 5 April of the following year
- whether there is any indication that the applicant has included restricted CoS in their justification
- if the sponsor has been visited, any recommendation of allocation by the compliance officer
- whether the applicant hits a risk profile
- for Tier 2 (General), whether the applicant has undergone a genuine employment check

An allocation of unrestricted CoS is only available to the applicant or sponsor until 5 April each year. On this date, any CoS not assigned will be automatically withdrawn. For example, an application granted in May requires an allocation of unrestricted CoS for approximately 11 months, an application granted in November for approximately 5 months.

Requests for additional unrestricted CoS

Sponsors can request these during the allocation year by submitting in-year requests so, if you do have doubts about how the sponsor has calculated their allocation, you can still limit the request without disrupting the sponsor. Any such requests must be justified.
B-rated sponsors

For B-rated sponsors who have paid the action plan fee, additional CoS can only be granted for migrants who need to extend their leave.

Allocating CoS

If the applicant:

• does not hit a risk profile
• has not undergone Tier 2 (General) genuine employment checks
• is granted an A-rating
• has been visited by the sponsor management unit (SMU)
• is clearly recorded (either in the sponsor’s justification or the SMU visit report) as intending to use the allocation for unrestricted CoS

you must update Metastorm with your decision and issue the ‘grant A’ letter.

If the applicant:

• does not hit a risk profile
• has not undergone Tier 2 (General) genuine employment checks
• is granted an A-rating
• has not been visited by the SMU
• has stated, or you have concerns, that the applicant intends to use the allocation incorrectly because they would actually need a restricted CoS

you must not allocate any CoS, must update Metastorm with the decision and issue the ‘grant A’ letter.

If the applicant:

• hits a risk profile
• has undergone Tier 2 (General) genuine employment check and there are no concerns
• is granted a licence
• has provided justification for their CoS request

you must update Metastorm with your decision and issue the ‘grant A’ letter.

In all other allocation scenarios, you must consider refusing the application.

Related content
Contents
Management checks

This page tells caseworkers and executive officer (EO) managers about primary management checks for sponsor licence applications.

When you have made a decision on a sponsor licence application, depending on your system management check percentage, the system may automatically select the application for an EO manager to review it. If your line manager is not available, another EO manager must review it.

Checks the manager must do

As an EO manager doing a primary check, you must make sure that the caseworker has completed all the required ‘Perform actions’ on Metastorm and recorded the results.

When checking the required perform actions have been undertaken and completed correctly by the caseworker, the primary manager should refer to: Metastorm perform actions: pre licensing.

If the application is ‘high profile’, for example, if the applicant is large or well known or if there is a reason the case may be politically sensitive, you must discuss it further with a higher executive officer (HEO) or senior executive officer (SEO).

Related content

Contents