



Home Office

# Suitability: Section 5 additional grounds for cancellation of entry clearance, permission to enter and permission to stay

Version 2.0

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# About this guidance

This guidance is for decision makers and addresses the grounds for cancelling a person's entry clearance, permission to enter or permission to stay contained in section 5 of [Part 9 of the Immigration Rules](#).

It should be read in conjunction with the other Part 9 guidance, which also contains grounds for cancellation of entry clearance, permission to enter and permission to stay.

## 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 Administrative 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 **2.0**
- published for Home Office staff on **01 June 2023**

## Changes from last version of this guidance

'Appendix Adult Dependent Relative' added in ['routes covered by this guidance'](#) section.

### Related content

[Contents](#)

# Application of this guidance

## Definition of cancellation

Cancellation means cancellation, variation in duration, or curtailment, of entry clearance or permission to enter or permission to stay, which can take effect immediately or at a specified future date and whether the person is in the UK or overseas. You must use the word cancel, or cancellation, when taking actions as covered above.

Section 76 of the Nationality, Immigration and Asylum Act 2002 governs revocation of indefinite leave.

An entry clearance can only be cancelled if the holder has not yet arrived in the UK. Once the holder has arrived their entry clearance will have had effect as permission to enter, which could itself be cancelled.

A visit visa has effect as leave to enter each time the holder arrives in the UK. If cancellation is being considered on arrival, then both the permission to enter currently held, and separately the multiple entry visit visa, may be cancelled.

An entry clearance officer (ECO) must refer any potential cancellation decision to the (ROM and COT).

## Routes covered by this guidance

The grounds referenced in this guidance are set out in full in section 5 of [Part 9 of the Immigration Rules](#).

A decision to cancel a person's entry clearance or permission may be taken in the circumstances contained in this guidance.

Section 5 of Part 9 does not apply to a person who has entry clearance or permission under any of the following routes:

- [Appendix EU](#)
- [Appendix EU \(Family Permit\)](#)
- permission to stay under [Appendix ECAA Extension of Stay](#)
- [Appendix S2 Healthcare Visitor](#)
- [Appendix Service Providers from Switzerland](#)
- entry clearance or permission to stay granted by virtue of the ECAA Association Agreement

Section 5 of Part 9 applies, in part, to a person who has entry clearance or permission under any of the following routes:

- Appendix FM is covered by paragraphs 9.23.1 and 9.24.1 only
- Appendix Armed Forces is covered by paragraphs 9.23.1. and 9.24.1 only

- Appendix 'Adult Dependent Relative' is covered by paragraphs 9.23.1 and 9.24.1 only
- paragraph 159I in [Part 5 of the rules](#) is covered by paragraphs 9.23.1 and 9.24.1 only
- section 5 of Part 9 only applies to paragraphs 352ZH to 352ZS, and 352I to 352X of [Part 11 \(Asylum\)](#)

Where the provision, and guidance, only applies to specified routes, this is explained within the relevant section of the guidance.

## Burden and standard of proof

The burden of proof is on the Home Office to show that grounds for cancellation apply, for example, that the person has ceased to meet the requirements of the Rules for which their entry clearance or permission was granted or that their sponsorship has been withdrawn.

The standard of proof is the balance of probabilities (it is more likely than not). You must be able to show what the relevant grounds are and why, as a result, it is appropriate to cancel the person's entry clearance or permission. This will usually be clear for the context.

You should normally provide the person with an opportunity to say why their entry clearance or permission should not be cancelled and, if you do so, you should include in your decision any representations made and your response to them.

## Deciding the cancellation date

When cancelling a person's entry clearance or permission, you must decide when that cancellation should come into effect. It may not always be appropriate to cancel with immediate effect, so a date in the future may be used, for example where studies are due to end earlier than the original expected date, permission should normally be cancelled from the new end of studies date.

## Calculating the new date of expiry for permission cancelled to 60 days (or other period)

Where the reason for cancellation is not the fault of the applicant but is, for example, due to the actions of their sponsor, you should normally allow them 60 days to find a new sponsor. When you cancel permission to 60 days (or other period), you must allow the person 60 days (or other) starting from the date the decision is served.

You must allow an extra day for deemed service of postal decisions, to account for the fact that the decision may not be despatched until the following day.

The new permission expiry date must therefore be calculated as shown in the following table.

<b>Method of delivery</b>	<b>Date of Service</b>	<b>What you must do</b>
Notices served by email	Service is deemed to take place on the date that the notice is sent. Therefore, you must use the date the notice is sent by email as the deemed date of decision when calculating the new leave expiry date.	You must cancel the person's permission so that it expires 60 days (or other period) from the date the notice is sent by email.
Notices served by post to a UK address	Service is deemed to take place 2 working days after the notice is sent by post.	Add a further working day to allow for despatch. Therefore, you must use the date on the decision letter plus 3 working days as the deemed date of decision when calculating the new permission cancellation date. You must cancel the person's permission so that it expires 60 days (or other period) from the date of decision plus 3 working days.
Notices served by post to an overseas address	Service is deemed to take place 28 days after the notice is sent by post.	Add a further working day to allow for despatch. Therefore, you must use the date on the decision letter plus 29 working days as the deemed date of decision when calculating the new permission cancellation date. You must cancel the person's permission so that it expires 60 days (or other period) from the date of decision plus 29 days.
Notices served to file	Service is deemed to take place on the day the notice is served to the file with the reasons why attempts to serve the notice in accordance with paragraphs (2) and (3) of article 8ZA of the 2000 Order are not possible or have failed.	Record the reasons why the decision is being served to file, the power under which the decision is being served to file and the date of service. You must cancel the permission to expire 60 days from the date of service to file.

For further specific information on deciding cancellation dates, including information on situations such as bereavements, pregnancy and serious medical conditions, please see the operational instructions contained within the cancellation (curtailment) guidance.

## Requesting further information before cancellation

### When to consider asking for further information

You should make a cancellation decision based on the available information, providing that is sufficient to inform your decision. In the majority of cases, you will be able to make a decision after reviewing the available information, such as a sponsor notification that the person has ceased work or study.

In some circumstances, it may be appropriate for you to ask a person to provide additional information before making a cancellation decision. For example, you may need further information to decide whether cancellation should be with immediate effect, or the person should be given 60 days (or other period) to make a new application,

Another example would be where a couple have a child and evidence suggests the child is unwell or at a key stage in their education. Cancellation of permission to a period of more than 60 days could be appropriate to allow the child to complete a course of medical treatment or to complete their studies. You may need further information about the child's medical treatment or education before making a decision to enable you to give effect to your duty to consider the best interests of the child.

For more information on the Home Office duty to safeguard and promote the welfare of children, see Section 55 children's duty guidance.

It may also be appropriate to cancel permission to a period of more than 60 days where cancellation is linked to pregnancy, serious ill health or a serious medical condition that means the person would be unable to leave the UK before their permission expires.

For example, people who have infectious diseases are unable to travel until a medical professional confirms they are no longer infectious. People with certain lung conditions may not be able to travel by air therefore you must enquire as to what other modes of travel they could reasonably use to return overseas.

It may be appropriate to seek further information on the person's condition to make sure their permission is cancelled to expire on an appropriate date. The appropriate date is the earliest date on which their pregnancy, serious ill health or medical condition would allow them to travel. In the above example, this would be the date on which the person is declared free of the infection.

If you need further information before making a cancellation decision, you must send a 'minded to cancel' notice to the person to let them know that you are:

- considering cancelling their permission
- requesting the additional information to inform that decision

You must send the further information request to one of the following:

- the correspondence address provided by the person
- the last known address of the person
- the person's representative

In cases where the person has used a representative to make their previous in country application, you must contact the representative to ask whether they still act for the person. If they do, you must send the enquiry to the representative. If they do not, you must record this fact on the case work system. You must not send the enquiry letter to a former representative who is no longer acting for the person.

If you have an email address or telephone number for the person, you can attempt to contact the person by email or phone to request the further information.

For further information on how to contact the person, see the enforcement guidance.

If you do not receive a response within the 28 day time period stated in the notice, you must decide whether to cancel permission based on the available information. You must also consider whether their permission should be curtailed under [paragraph 9.9.2 of Part 9](#) if they do not provide the information without reasonable explanation. For more information, see Failure to provide information or attend interview.

## Ceasing to meet the requirements of the rules (9.23.1)

A person's entry clearance or permission may be cancelled if they no longer meet the requirements of the rules under which entry clearance or permission was granted.

If the entry clearance has not yet been activated by arrival in the UK, it will normally be appropriate to cancel it where the person no longer meets the requirements of the route under which it was granted. For example, if the person's sponsor has lost their sponsorship licence or ceased trading.

If the person is in the UK, you must consider how long they have left on their current permission and when they ceased to meet the requirements. For example, if a person notifies the Home Office that their 17 year old dependent child has left the UK to live in the USA. It is appropriate to record on the casework system that the dependent child has left the UK and is leading an independent life, but if there is only 2 months left on their permission you may decide not to cancel their permission as it is due to expire in any event.

You should also consider why the person has ceased to meet the requirements and how the Home Office became aware of it. For example, a student who notifies the Home Office that their student sponsor is not providing teaching and that they wish

to seek another student sponsor should be advised that they need to make a new application with a new sponsor within 60 days, and that their current permission will be cancelled only if they fail to do so.

A skilled worker may notify the Home Office that they have divorced their spouse who had permission as their dependent for another 2 years. It will normally be appropriate to cancel the permission of the dependent, unless they have some other basis to stay in the UK.

If you are satisfied that a person no longer meets the relevant requirements, you should use the following text as a guide when drafting your cancellation decision. You must fully explain, which requirements they no longer meet and why you have decided it is appropriate to cancel their entry clearance or permission.

You must also set the date on which the cancellation takes effect.

### **Example cancellation paragraph: failure to meet requirements**

You were granted [entry clearance/permission] as [type] under [route] of the Immigration Rules.

Your [entry clearance/permission] has been cancelled because you no longer meet [name of requirement(s) not met] requirement(s).

You no longer meet [this/these] requirement[s] because [reasons].

[On [date] you were asked to give any reason why your entry clearance/permission should not be cancelled. You said...but [reasons]]

I have therefore decided to cancel your entry clearance/permission because. [explain].

Your [entry clearance/permission] is cancelled from [date].

### **Dependent cancelled in line with main applicant (9.24.1)**

A person's entry clearance or permission may be cancelled where they are the dependent of a person whose entry clearance or permission is, or has been, cancelled. It will normally be appropriate to cancel the permission of the dependent, to take effect on the same date as the cancellation of the main applicant, unless they have some other basis to stay in the UK, or there is good reason to allow them to stay for a longer period, for example a child at university in the UK and completing important exams within the next few months and has suitable arrangements in place to remain.

If you are satisfied that the dependent's entry clearance/permission should be cancelled, you should use the following text as a guide when drafting your

cancellation decision. You must fully explain why you have decided it is appropriate to cancel their entry clearance or permission.

You must also set the date on which the cancellation takes effect.

### Example cancellation paragraph: dependents

You were granted [entry clearance/permission] as a dependant of [name of main applicant] under [route] of the Immigration Rules.

Your [entry clearance/permission] has been cancelled because [name of main applicant] has had their [entry clearance/permission] cancelled.

I have therefore decided to cancel your entry clearance/permission because. [explain].

Your [entry clearance/permission] is cancelled from [date].

### Withdrawal of sponsorship or endorsement (9.25.1 & 9.25.2)

A person's entry clearance or permission may be cancelled where their sponsorship or endorsement has been withdrawn.

This applies to the following routes:

- Student
- Child Student
- Skilled Worker
- Intra-Company Transfer
- Intra-Company Graduate Trainee
- Representative of an Overseas Business
- T2 Minister of Religion
- T2 Sportsperson
- T5 (Temporary Worker)
- Start-up
- Innovator
- Global Talent

You should consider why the sponsorship or endorsement was withdrawn and how that came to notice. For example, a student who notifies the Home Office that their student sponsorship has been withdrawn because the course is no longer being provided could be given a short period of time to find another course and make a new application within 60 days and warned that their current permission will be cancelled only if they fail to do so.

If the sponsorship or endorsement was withdrawn for another reason it may be appropriate to cancel permission with immediate effect if the person is aware of the

fact, but give them a period of 60 days to make a new application if they are not at fault. It will depend on the circumstances of the case.

If you are satisfied that the sponsorship/endorsement has been withdrawn, and cancellation of permission is appropriate, you should use the following text as a guide when drafting your cancellation decision. You must fully explain why you have decided it is appropriate to cancel their entry clearance or permission.

You must also set the date on which the cancellation takes effect.

If a person is on the Student route and their sponsorship has been withdrawn because they have completed a pre-sessional course but do not have a knowledge of English equivalent to level B2 or above of the Council of Europe's Common European Framework for Language Learning in all four components (reading, writing, speaking and listening) you should use the additional optional text.

### Example cancellation paragraph: sponsorship or endorsement withdrawn

You were granted [entry clearance/permission] as [type] under [route] of the Immigration Rules.

Your [entry clearance/permission] has been cancelled because your [sponsorship/endorsement] has been withdrawn by [ sponsor/endorsing body]. [Explain how this was established and, if known, why it was withdrawn]

**[Additional Optional Text]** Your sponsorship was withdrawn because, having completed a pre-sessional course, you do not have a knowledge of English language equivalent to level B2 or above of the Council of Europe's Common European Framework for Language Learning in all four components.

I have therefore decided to cancel your entry clearance/permission because. [explain].

Your [entry clearance/permission] is cancelled from [date].

### Student does not start course or ceases to study (9.26.1)

A person on the Student or Child Student route may have their entry clearance or permission cancelled where:

- they have not started their studies with their sponsor
- they or their sponsor confirm that their course of study has ceased, or will cease, before the end date recorded on the Certificate of Acceptance for Studies
- the start date for the course is delayed for more than 28 days
- they cease to study with their sponsor

You should consider why the student has not started the course (if known) and how that came to notice. For example, if a student or their sponsor notifies the Home Office that their travel to the UK has been delayed for a month due to illness and they provide medical evidence to show that, it would not normally be appropriate to cancel their entry clearance or permission.

However, if the sponsor notifies the Home Office that the student has not started the course, or has stopped attending the course, and the sponsor has not been able to contact them despite attempts to do so over a few weeks, and it appears that the student has therefore ceased to study, it would normally be appropriate to cancel the permission with immediate effect.

If you are satisfied that a student has not started, or ceased to study, you should use the following text as a guide when drafting your cancellation decision. You must fully explain why you have decided it is appropriate to cancel their entry clearance or permission.

You must also set the date on which the cancellation takes effect.

### Example cancellation paragraph: ceased to study

You were granted [entry clearance/permission] as [type] under [route] of the Immigration Rules.

Your [entry clearance/permission] has been cancelled because [you have not started your studies with institution]/[your course of study has/will cease on date]/[the start date of your course is delayed for days]/[you have stopped studying with institution]. [Explain how you know this and any representations made and your response.]

I am therefore satisfied that you have ceased to study and that your entry clearance/permission should be cancelled because....

Your [entry clearance/permission] is cancelled from [date].

### Worker does not start work or ceases their employment (9.27.1)

A person's entry clearance or permission may be cancelled where:

- they do not start working for their sponsor
- they, or their sponsor, confirm that their employment/volunteering/training/job shadowing has, or will cease before the end date as recorded on the Certificate of Sponsorship
- the start date for the job is delayed by more than 28 days
- they cease to work for their sponsor

And they are on one of the following routes:

- Skilled Worker
- Intra-Company Transfer
- Intra-Company Graduate Trainee
- Representative of an Overseas Business
- T2 Minister of Religion
- T2 Sports person
- T5 (Temporary Worker)

You should consider why the worker has not started work (if known) and how that came to notice. For example, if a worker or their sponsor notifies the Home Office that the start date of the job has been delayed because some equipment has not arrived it would not normally be appropriate to cancel their entry clearance or permission.

However, if the sponsor notifies the Home Office that the worker has not started the job, or has stopped attending work, and the sponsor has not been able to contact them despite attempts to do so over a few weeks, and it appears that the worker has therefore ceased to do the job, it would normally be appropriate to cancel the permission with immediate effect.

If you are satisfied that a worker has ceased to work, you should use the following text as a guide when drafting your cancellation decision. You must fully explain why you have decided it is appropriate to cancel their entry clearance or permission.

You must also set the date on which the cancellation takes effect.

### Example cancellation paragraph: ceased work

You were granted [entry clearance/permission] as [type] under [route] of the Immigration Rules.

Your [entry clearance/permission] has been cancelled because [you have not started working for sponsor]/[your employment/volunteering/training/job shadowing has/will cease on date]/[the start date of your job is delayed for days]/[you have stopped working with sponsor]

I am therefore satisfied that you have ceased to study and that your entry clearance/permission should be cancelled because....

Your [entry clearance/permission] is cancelled from [date].

### Sponsor loses licence or transfers business (9.28.1)

A person's entry clearance or permission may be cancelled where:

- their sponsor does not have a sponsor licence
- their sponsor transfers the business for which the person works, or at which they study, to another business or institution, and that business or institution:
  - fails to apply for a sponsor licence

- fails to apply for a sponsor licence within 28 days of the date of a transfer of their business or institution
- applies for a sponsor licence but is refused
- makes a successful application for a sponsor licence, but the sponsor licence granted is not in a category that would allow the sponsor to issue a Certificate of Sponsorship or Confirmation of Acceptance for Studies to the person

And they are on one of the following routes:

- Student
- Child Student
- Skilled Worker
- Intra-Company Transfer
- Intra-Company Graduate Trainee
- T2 Minister of Religion
- T2 Sports person
- Tier 5 (Temporary Worker)

If you are satisfied that the sponsor no longer holds a sponsor licence, you should use the following text as a guide when drafting your cancellation decision. You must fully explain why you have decided it is appropriate to cancel their entry clearance or permission. If the person is not at fault, it will normally be appropriate to give them 60 days to find a new sponsor.

You must also set the date on which the cancellation takes effect.

### Example cancellation paragraph: Sponsor lost licence

You were granted [entry clearance/permission] as [type] under [route] of the Immigration Rules.

Your [entry clearance/permission] has been cancelled because [your sponsor does not have a sponsor licence]/[your sponsor has transferred the business/place of study to another business/institution] and that [business/institution] has [not applied for a sponsor licence]/[not applied for a sponsor licence within 28 days of the date of the transfer of their business/institution]/[been refused a sponsor licence]/[applied for received a sponsor licence in a category which cannot be used to issue you a certificate of sponsorship/confirmation for acceptance for studies for you].

I have therefore decided it is appropriate to cancel your [entry clearance/permission] because... [explain]

Your [entry clearance/permission] is cancelled from [date].

## Change of employer (9.29.1)

A person's entry clearance or permission may be cancelled where they have changed their employer and they are on one of the following routes:

- Skilled Worker
- Intra-Company Transfer
- Intra-Company Graduate Trainee
- T2 Minister of Religion
- T2 Sportsperson
- T5 (Temporary Worker)

Unless any of the following apply:

- they are a Tier 5 (Temporary Worker) on the Government Authorised Exchange Worker or Seasonal Worker routes and the change of employer is authorised by the sponsor
- they are working for a different sponsor unless the change of sponsor does not result in a change of employer, or the change in employer is covered by the Transfer of Undertakings (Protection of Employment) Regulations 2006, equivalent statutory transfer schemes, or the Cabinet Office Statement of Practice on Staff Transfers in the Public Sector
- they have permission as a T2 Sportsperson or a T5 (Temporary Worker): Creative and Sporting Worker, and all of the following apply:
  - they are sponsored by a sports club
  - they are sponsored as a player and are being temporarily loaned to another sports club
  - player loans are specifically permitted in rules set down by the relevant sports governing body
  - their sponsor has made arrangements with the loan club to enable to the sponsor to continue to meet its sponsor duties
  - the player will return to working for the sponsor at the end of the loan

If you are satisfied that a worker has changed employer, that none of the exceptions apply and that it is appropriate, taking into account all the circumstances for permission to be cancelled, you should use the following text as a guide when drafting your cancellation decision. You must fully explain why you have decided it is appropriate to cancel their entry clearance or permission.

You must also set the date on which the cancellation takes effect.

### Example cancellation paragraph: change of employer

You were granted [entry clearance/permission] as [type] under [route] of the Immigration Rules.

Your [entry clearance/permission] has been cancelled because the conditions of your grant only allowed you to work for /required you to work for [employer]. You

no longer work for [employer] [explain how you know and that none of the exceptions apply]

I have therefore decided it is appropriate to cancel your entry clearance/permission because ...[explain].

Your [entry clearance/permission] is cancelled from [date].

## Absence from employment (9.20.1)

A person's entry clearance or permission may be cancelled where it is established that they have been absent from work without pay, or on reduced pay, for more than 4 weeks during any calendar year and they are on one of the following routes:

- Skilled Worker
- Intra-Company Transfer
- Intra-Company Graduate Trainee
- Representative of an Overseas Business
- T2 Minister of Religion
- T2 Sportsperson
- T5 (Temporary Worker)

The ability to cancel someone's entry clearance or permission does not apply if any of the following are the reason for the absence:

- statutory maternity leave, paternity leave or parental leave
- statutory adoption leave
- sick leave
- assisting with a national or international humanitarian or environmental crisis, providing their sponsor agreed to the absence for that purpose
- taking part in legally organised industrial action

This ground applies where there is no indication that the person has ceased work entirely and there is insufficient evidence to cancel on that ground. In deciding whether to cancel you should consider why the person is absent from work (if known) and whether the absence is likely to continue for an unknown, or extended, period. It may be appropriate to seek further information from the person before making a decision.

## Health pandemic exception for Covid 19

Sponsors can temporarily reduce the pay of sponsored employees to 80% of their salary or £2,500 per month, whichever is the lower.

Any reductions must be part of a company-wide policy to avoid redundancies and in which all workers are treated the same.

These reductions must be temporary, and the employee's pay must return to at least previous levels once these arrangements have ended.

If you are satisfied that a worker has been absent from work or on reduced pay for more than 4 weeks and none of the exceptions apply and that it is appropriate taking into account all the circumstances for permission to be cancelled, you should use the following text as a guide when drafting your cancellation decision. You must fully explain why you have decided it is appropriate to cancel their entry clearance or permission.

You should also set the date when the cancellation will take effect.

### Example cancellation paragraph: absence from work

You were granted [entry clearance/permission] as [type] under [route] of the Immigration Rules.

You have been [absent from work without pay/absent from work on reduced pay] for more than 4 weeks during the calendar year [date]. You were absent /on reduced pay on the following dates [xxxx] and [xxxx]. The reasons you have given for your absence/reduced pay are [if provided]. This is not one of the exceptions allowed under the Rules/You have not provided any evidence to show this was the reason despite being given opportunity to do so on [date of request for further information].

I have therefore decided it is appropriate to cancel your entry clearance/permission because...[explain]..

Your [entry clearance/permission] is cancelled from [date].

### Change of job or lower salary rate (9.31.1; 9.31.2. & 9.31.3.)

A person's entry clearance or permission may be cancelled where they have changed jobs (with the same employer), or they receive a lower salary rate than in their certificate of sponsorship, and they are on one of the following routes:

- Skilled Worker
- Intra-Company Transfer
- Intra-Company Graduate Trainee
- Representative of an Overseas Business
- T2 Minister of Religion
- T5 (Temporary Worker)

And:

- they are on an Intra-Company route or are a Skilled Worker who has changed to a different job in the same occupation code but the salary rate for the new job is lower than the salary rate for the old job as set out in the Appendix Skilled Occupations
- they are a Skilled Worker and scored points for Shortage Occupation and the new job does not appear in Appendix Shortage Occupation List

- they have changed jobs and the new job has a different occupation code to that recorded by the Certificate of Sponsorship (unless the exception below applies)
- the person no longer meets the salary requirement or going rate requirement for the job

If they have changed jobs and the new job has a different occupation code to that recorded by the Certificate of Sponsorship (c above), the following exception applies:

- the person is sponsored to undertake a graduate training programme covering multiple roles within the organisation
- the person is changing to a job with a different occupation code either as a part of that programme or when appointed to a permanent role with the sponsor at the end of that programme
- their sponsor has notified the Home Office of the change of job and any change in salary
- the job is with the same sponsor, unless the change of sponsor does not result in a change of employer, or the change in employer is covered by the Transfer of Undertakings (Protection of Employment) Regulations 2006, equivalent statutory transfer schemes, or the Cabinet Office Statement of Practice on Staff Transfers in the Public Sector; and the Skilled Worker would score at least 70 points after the change to the job

The following exception applies to all cases where there has been a reduction in salary if:

- a reduction in salary coincides with an absence from employment for one of the following reasons:
  - statutory maternity leave, paternity leave or parental leave
  - statutory adoption leave
  - sick leave
  - assisting with a national or international humanitarian or environmental crisis, providing their sponsor agreed to the absence for that purpose; or
  - taking part in legally organised industrial action
- the person is on an Intra-Company route and a reduction in salary coincides with working for the sponsor group while the person is not physically present in the UK
- the person is a Skilled Worker and would score at least 70 points after the change to the job

## Health pandemic exception for Covid 19

Sponsors can temporarily reduce the pay of sponsored employees to 80% of their salary or £2,500 per month, whichever is the lower.

Any reductions must be part of a company-wide policy to avoid redundancies and in which all workers are treated the same.

These reductions must be temporary, and the employee's pay must return to at least previous levels once these arrangements have ended.

If you are satisfied that a worker has been absent from work or on reduced pay for more than 4 weeks and none of the exceptions apply, you should use the following text as a guide when drafting your cancellation decision. You must fully explain why you have decided it is appropriate to cancel their entry clearance or permission.

If you are satisfied that a worker has changed jobs with their employer, or is on a reduced salary rate, and none of the exceptions apply and that it is appropriate taking into account all the circumstances for permission to be cancelled, you should use the following text as a guide when drafting your cancellation decision. You must fully explain why you have decided it is appropriate to cancel their entry clearance or permission.

### Example cancellation paragraph: change of job or salary rate

You were granted [entry clearance/permission] as [type] under [route] of the Immigration Rules.

Your Certificate of Sponsorship states that your job will be [explain]/ your salary will be [explain]. You have changed jobs/receive a lower salary rate [explain how you know and from what date] and [the new salary is lower than the salary rate for the old job as set out in Appendix skilled occupations]/[the new job does not appear in Appendix shortage occupation list]/[the new job has a different occupation code to the one on your certificate of sponsorship].

I have therefore decided it is appropriate to cancel your entry clearance/permission because...[explain].

Your [entry clearance/permission] is cancelled from [date].

### Endorsing body no longer approved (9.32.1)

A person's entry clearance or permission may be cancelled when the endorsing body which endorsed their application is no longer an approved endorsing body for the route in which they were endorsed, and they are on one of the following routes:

- Global Talent
- Start-up
- Innovator

If you are satisfied that the endorsing body is no longer approved and that it is appropriate taking into account all the circumstances for permission to be cancelled you should use the following text as a guide when drafting your cancellation decision. You must fully explain why you have decided it is appropriate to cancel their entry clearance or permission.

You should set the date for when the cancellation takes effect.

## Example cancellation paragraph: endorsing body no longer approved

You were granted [entry clearance/permission] as [type] under [route] of the Immigration Rules.

You were endorsed by [name of endorsing body]. On [date] ceased to be an approved endorsing body for your sector/route.

I have therefore decided it is appropriate to cancel your entry clearance/permission because....[explain]

Your [entry clearance/permission] is cancelled from [date].

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