

PREVIOUS TWES PERMIT HOLDERS

Overseas nationals who have previously held a Training and Work Experience Scheme (TWES) permit are not allowed to have a Business and Commercial (B&C) work permit unless they have been overseas for the requisite period. Caseworkers should ensure that if the TWES permit was approved for 12 months or less, the overseas national has been overseas for at least 12 months and if the TWES permit was approved for more than 12 months, the overseas national has been overseas for at least 24 months. Some flexibility may be allowed, however, if the work permit is for a job in a shortage occupation or if the person will have been out of the country for the required period by the time they intend to take up the job.

What to do if?

- [The employer wants the overseas national to switch from the TWES to a B&C work permit](#)
- [The overseas national has not spent the requisite period overseas since the end of their period in the UK on a TWES permit](#)

What to do if?

The employer wants the overseas national to switch from the TWES to a B&C work permit – B&C applications for TWES switches should be refused and paragraph P85F included in the refusal letter. Caseworkers should note that all refusal reasons should be included in the refusal letter, for example, P83K if the advertising is deemed not to be a genuine attempt to recruit, and all letters should be tailored to the individual application.

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The overseas national has not spent the requisite period overseas since the end of their period in the UK on a TWES permit - Most such applications should be refused. Paragraph P85I should be included in the refusal letter. Caseworkers should note that all refusal reasons should be included in the refusal letter and all letters should be tailored to the individual application. That said, if this is the only ground for refusal, caseworkers might wish to discuss with their line manager whether flexibility is justified. Reasons for such an approval might include the overseas national having spent the requisite period overseas by the time they intend to take up the employment or the application falling under the shortage occupation category. For all such approvals on these grounds, caseworkers should ensure that the overseas national is outside the UK at the time the decision is made.

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