

Skilled Worker caseworker guidance

Version 11.0

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About this guidance

This guidance tells caseworkers how to consider applications to enter, remain or settle in the UK under the Skilled Worker route. ‘You’ in this guidance means a caseworker.

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

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

- [Part 9: Grounds for Refusal](#)
- [Appendix Skilled Occupations](#)
- [Appendix Immigration Salary List](#)
- [Appendix ATAS](#)
- [Appendix English Language](#)
- [Appendix KOL UK](#)
- [Appendix Finance](#)
- [Appendix Continuous Residence](#)

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 your line manager or locally embedded expert can email the Economic Migration Policy team through the Work and Study Technical 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 your line manager or locally embedded expert can email the Guidance Rules and Forms team.

Publication

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

- version **11.0**
- published for Home Office staff on **4 April 2024**

Changes from last version of this guidance

The guidance has been updated to reflect Immigration Rules changes on 4 April 2024, to increase the minimum salary thresholds for the Skilled Worker route, with transitional arrangements put in place for workers already in the route. Amongst other things, these changes have increased the number of options available in the tradeable points offer from 6 to 11.

These changes are an advance on the updates made to the previous guidance, made to reflect the rules changes of 11 March 2024, to narrow the eligibility for care workers and senior care workers in England to be sponsored only where the sponsor is registered with the Care Quality Commission and is currently carrying on a regulated activity, with transitional arrangements for workers already in the route. Both sets of changes were announced by the Home Secretary on Monday 4 December 2023.

These changes apply to applications made from 4 April 2024. If you are considering an application made before that date, these changes do not apply.

Related content

[Contents](#)

Overview of the Skilled Worker route

This section provides an introduction to the Skilled Worker route.

The Skilled Worker route is for European Economic Area (EEA) nationals and non-EEA nationals who are sponsored to do a specific skilled job for a Home Office licensed sponsor. Note that throughout this document, references to EEA nationals include Swiss nationals and excludes Irish nationals. Irish nationals have a specific status in the UK under section 3ZA of the Immigration Act 1971. Full details are set out in the [Irish citizens](#) section of this guidance.

Dependent partners and children can apply on this route (with some exceptions for dependants of care workers and senior care workers), as set out in the dependants guidance. Non-POISE users can find the [externally published version of this guidance](#) on GOV.UK.

The route can lead to settlement in the UK.

The route replaces the Tier 2 (General) route. Existing Tier 2 (General) workers can apply for extensions, changes of employment and settlement under the Skilled Worker route.

Requirements

The requirements applicants must meet are split into 3 parts:

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

The table below sets out the paragraphs in [Appendix Skilled Worker](#) for each of these requirements:

Application	Validity	Suitability	Eligibility
Main applicants – entry clearance and permission to stay	SW 1.1. to SW 1.6.	SW 2.1. to SW 2.2.	SW 3.1. to SW 16.2.
Main applicants – settlement	SW 19.1. to SW 19.4.	SW 20.1. to SW 20.2.	SW 21.1. to SW 24.4.

Application	Validity	Suitability	Eligibility
Dependants – entry clearance and permission to stay	SW 26.1. to SW 26.5.	SW 27.1. to SW 27.2.	SW 28.1. to SW 34.2.
Dependants – settlement	SW 37.1. to SW 37.3.	SW 38.1. to SW 38.2.	SW 39.1. to SW 45.1.

Representatives

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

- registered with [the Office of the Immigration Services Commissioner](#) (OISC)
- authorised by one of the following designated professional bodies or designated qualifying regulators:
 - the [Law Society](#)
 - the [Law Society of Scotland](#)
 - the [Law Society of Northern Ireland](#)
 - the [General Council](#) of the Bar
 - the [Chartered Institute of Legal Executives](#)
 - the [Faculty of Advocates](#)
 - the [General Council of the Bar of Northern Ireland](#)
- be exempt from the requirement to be registered or authorised - for example, the [Immigration and Asylum Act 1999 \(Part 5 Exemption: Licensed Sponsors\) Order 2022](#) exempts licensed sponsors from the requirement to be registered or authorised, provided any immigration advice or immigration services are given:
 - free of charge
 - in relation to an individual they are sponsoring (or, where relevant, their eligible family members)
 - in connection with an application by that individual for entry clearance or permission on a sponsored work or study route (or an application for entry clearance or permission by that individual's eligible family members that is dependent on that individual's application)

For further information on what the order permits, see section S6 of [Part 2 of the sponsor guidance](#).

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

Requesting more information

If you need more information, or clarification of certain details to be able to consider granting an application, see [requesting more information](#). Where possible, you should try to identify all areas where further information is required, so it can be requested at the same time.

Verifying documents

You must conduct verification checks if you have any doubts about whether the supporting documents an applicant has submitted are genuine. If the application falls for refusal on other grounds, you do need to carry out verification checks, but you must explain in your decision that you reserve the right to carry out checks in any reconsideration.

Translating documents

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

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

If no translation is supplied, you should request one. If the applicant still does not provide a translation or if you are unable to verify the translation, the document will not be accepted. You must continue to process the application as if the applicant had not provided the document.

Related content

[Contents](#)

Validity for entry clearance and permission to stay

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

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

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

Application fees and Immigration Health Charge

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

Those applying for the Health and Care visa are exempt from having to pay the Immigration Health Charge and have lower visa application fees. Further details regarding the Health and Care visa can be found [in the Health and Care visa guidance](#).

Biometrics and identity documents

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

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

Certificate of sponsorship

The applicant must have a certificate of sponsorship (CoS). This is a virtual document (similar to a database record) which is assigned by the sponsor. Sponsors use a secure IT system called the [sponsorship management system](#) (SMS) to assign a CoS.

The reference number for the CoS should be provided in the application. If the applicant has not supplied the reference number, they must provide an explanation. If you are not satisfied the sponsor has assigned a CoS to the applicant, you may reject the application. If the reason the sponsor has not yet assigned a CoS is

because of delays by UKVI (for example, a delay in processing a sponsor licence application or a request for a CoS), you may exceptionally place the case on hold pending the outcome.

You must check the CoS was assigned to the applicant no more than 3 months before the date of application. If it was assigned too early, the application may be rejected.

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

Minimum age

All applicants must be aged 18 or over on the date of application. If the applicant is too young, the application must be rejected.

Government or international scholarship agency awards

Where an applicant has received an award covering fees and living costs from a Government or international scholarship agency in the 12 months before the date of application, the government or agency must provide written consent to the application. The letter of consent must be on the official letter-headed paper or stationery of the organisation or organisations, bearing the official stamp of that organisation and issued by an authorised official of that organisation. The documents must confirm the organisation gives the applicant consent to remain in or re-enter the UK.

Switching

An applicant who is in the UK cannot apply to switch into the Skilled Worker route if they have, or were last granted, permission on any of the routes listed below:

- as a Visitor
- as a Short-term student
- as a Parent of a Child Student
- as a Seasonal Worker
- as a Domestic Worker in a Private Household

Neither can they have been granted permission outside the Immigration Rules.

From 11 March 2024 new restrictions will apply to care worker (SOC code 6145) or senior care worker (SOC code 6146) applicants when applying for or with dependents. Further details can be found in the dependants caseworker guidance, non-POISE see: [dependent family members in work routes](#).

An applicant who is applying for permission to stay and has, or last had, permission as a Student must have completed the course of study for which the Confirmation of Acceptance for Studies was assigned (or a course to which paragraph ST 27.3 of

Appendix Student applies), or the course must have finished before the start date on their CoS. Alternatively, if the course was leading to a PhD award they must have completed at least 24 months of that course.

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

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

Related content

[Contents](#)

Suitability for entry clearance and permission to stay applications

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

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

- the suitability requirements for Skilled Worker, set out in paragraphs SW 2.1. to SW 2.2.
- the grounds for refusal, contained in [Part 9: grounds for refusal](#)

Applications which do not meet the suitability requirements must be refused.

Overstaying

You must check the applicant is not in breach of immigration laws, except where permitted by the Immigration Rules in respect of periods of overstaying. Refer to the full guidance on overstaying.

Immigration bail

Any applicant who is in the UK on immigration bail is not suitable for the Skilled Worker route. These individuals do not hold permission to be in the UK.

Related content

[Contents](#)

Eligibility for entry clearance and permission to stay applications

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

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

To be eligible, applicants must be awarded 50 mandatory points (for their sponsorship, job and English language skills) and 20 tradeable points (for salary and other attributes). In some cases (mainly entry clearance applications), applicants must also satisfy non-points requirements regarding tuberculosis testing, available funds and criminal records certificates.

The eligibility requirements can be found in the rules as set out below:

- Entry requirement (SW 3.1.)
- Tuberculosis certificate (SW 3.2.)
- Points requirement (overview) (SW 4.1. to SW 4.4.)
- Points for sponsorship (mandatory) (SW 5.1. to SW 5.7.)
- Points for a job at the appropriate skill level (mandatory) (SW 6.1. to SW 6.5.)
- Points for the English language requirement (mandatory) (SW 7.1. to SW 7.4.)
- Tradeable points options (SW 8.1. to SW 13.3.)
- Consideration of salary (all tradeable points options) (SW 14.1. to SW 14.5.)
- Financial requirement (mandatory) (SW 15.1. to SW 15.3.)
- Criminal record certificate requirement (mandatory) (SW 16.1. to SW 16.2.)

Applications which do not meet these requirements must be refused.

Related content

[Contents](#)

Tuberculosis certificates

This section tells you about the tuberculosis (TB) certificate requirement for applications for entry clearance in the Skilled Worker route.

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

If an applicant has not supplied a valid TB test certificate when they are required to, you should refuse the application under paragraph SW 3.2.

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

Related content

[Contents](#)

Mandatory points requirement

This section provides an overview of how mandatory points are scored for Skilled Workers.

Under paragraph SW 4.1., an applicant must score 50 mandatory points against the following requirements:

Points requirement	Relevant rules	Points
<u>Sponsorship</u>	SW 5.1. to SW 5.7.	20
<u>Job at appropriate skill level</u>	SW 6.1. to SW 6.5.	20
<u>English language</u> skills at level B1 (intermediate)	SW 7.1. to SW 7.4.	10

If an applicant scores fewer than 50 mandatory points, you must refuse their application and explain where you have not awarded points.

Related content

[Contents](#)

[Sponsorship](#)

[Job at the appropriate skill level](#)

[English language](#)

Sponsorship

This section explains how to assess the sponsorship requirement for Skilled Workers.

The applicant must score 20 points for sponsorship. To award these points, you must be satisfied the application meets the requirements in paragraphs SW 5.1. to SW 5.7.

Valid certificate of sponsorship

A certificate of sponsorship (CoS) is only valid if certain requirements are met. The CoS assigned to the applicant must meet all the requirements set out in paragraph SW 5.1. You should contact the sponsor to request any missing details (in particular, the employer PAYE reference number the applicant will be assigned to may be missing if the CoS was assigned before the launch of the Skilled Worker route).

If the application is for entry clearance, the CoS must be a “Defined CoS”. This means the sponsor has requested it for the specific job and salary shown and has not assigned it from their general allocation.

Licensed sponsor

The sponsor must hold a valid Skilled Worker sponsor licence. The sponsor must also be A-rated, unless the applicant is applying for an extension to continue working for the same sponsor. See the [sponsorship guidance](#) for more details.

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

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

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

Care worker and senior care worker Sponsorship

This section deals with those applying on the Health and Care Visa. Applicants working in England with Certificates of Sponsorships for occupation codes ‘6135 – Care workers and home carers’, and ‘6136 – Senior Care Workers’ (6145 and 6146 for CoS assigned before 4 April 2024) must work for an employer registered with the Care Quality Commission (CQC). The sponsor must be currently carrying out activities regulated by the CQC and must not be ‘dormant’ on their register or have

requested to become ‘dormant’. This includes if they are employed as a care worker or senior care worker before the 11 March 2024 but are applying to switch to a different employer.

Where a sponsor has confirmed the applicant will be working at an address in England you must check - [Search Results - Care Quality Commission \(cqc.org.uk\)](https://www.cqc.org.uk) to see if the sponsor is conducting activities which are regulated by the CQC.

The CQC is the independent regulator of health and adult social care **in England**. This does not apply to applicants who will be working solely in Scotland, Wales or Northern Ireland. However, an applicant who will be working, for example partly in England and partly in Scotland, is subject to the requirement, even if their main work location is in Scotland and the England location is a smaller proportion of their job.

However, care workers or senior care workers who are employed in those roles England with Certificates of Sponsorships for occupation before 11 March 2024 do not need to be employed by a sponsor who is registered with the Care Quality Commission if they are applying to extend their visa with the same sponsor. To be eligible for this exemption, their original application date must have been before 11 March 2024 (even if that application was granted after 11 March).

The worked examples below set out how to consider applications for permission to work as ‘6135 – Care workers and home carers’, and ‘6136 – Senior Care Workers’ submitted on or after 11 March 2024.

Worked examples

Example 1

An applicant was previously granted permission in 2022 to work for a sponsor in England which is not registered with the Care Quality Commission (CQC).

They are now applying to extend their permission with this sponsor.

They can extend their permission with that sponsor. This includes where an applicant is changing between care worker and senior care worker.

Example 2

An applicant was previously granted permission in 2022 to work for a sponsor in England which is not registered with the CQC.

They are now applying for permission to work at a different sponsor, also in England, which is not registered with the CQC.

They will not be allowed to change their permission to work for that employer.

Example 3

An applicant was previously granted permission in 2022 to work for a sponsor in England which is not registered with the CQC.

They are now applying for permission to work at a different sponsor, also in England, which is registered with the CQC to provide regulated activities.

They will be allowed to change their permission to work for that employer.

Example 4

An applicant is applying for permission to begin work at a sponsor with working locations in England and Scotland, Wales or Northern Ireland.

They will be working as a care worker or senior care worker in England and Scotland, Wales or Northern Ireland.

The sponsor must be registered in England with the CQC to provide regulated activities. If they are registered, the application can be granted.

Example 5

An applicant is applying for permission to begin work with a sponsor on the CQC register but they are not showing as providing regulated activities.

You must check with your manager to confirm this and refuse the application if it is confirmed.

Example 6

An applicant is applying for permission to begin work with a sponsor on the CQC register but they are not showing as providing regulated activities.

You must check with your manager to confirm this and refuse the application if it is confirmed.

Example 7

An applicant is currently undertaking supplementary work with a sponsor in England which is not registered with the CQC, whilst working for a different sponsor.

They are now applying for permission to work at this sponsor.

They will not be allowed to work for this sponsor.

Example 8

An applicant is currently working 20 hours a week with a sponsor in England which is not registered with the CQC, whilst on a Student visa.

They are now applying for permission to work at this sponsor.

They will not be allowed to work for this sponsor.

Immigration Skills Charge

The sponsor must have paid any Immigration Skills Charge (ISC) which applies to the application. You must [check the ISC payment is correct](#). If:

- the sponsor has paid the correct charge, or is exempt, continue with consideration as normal
- the sponsor has underpaid and there are other grounds for refusal which could not be remedied by writing out for further information, you must refuse the application and ensure ISC non-payment refusal wording is included
- the sponsor has under-paid and you need to write out for further information, or the ISC is the only reason to refuse the application, you must:
 - give the sponsor an opportunity to pay the charge by contacting the ISC Admin Team
 - exclude from the service level agreement as a complex case
 - inform the applicant of the reason why a decision cannot be made within the Service Level Agreement
 - defer the case for 10 UK working days
- the sponsor has over paid, they will need a partial refund

Genuine vacancy

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

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

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

Whether the job has been exaggerated to make it appear to meet the Skilled Worker requirements is considered separately, when awarding points for a job at the appropriate skill level.

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

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

Working for third parties

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

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

A sponsor can only assign a CoS if they have full responsibility for deciding the duties, functions and outcomes or outputs of the job. Where the applicant is carrying out work for a third party on their sponsor's behalf, they must be contracted by their sponsor to provide a time-bound, non-routine service or project on their sponsor's behalf. This means a service or project which has a specific end date, after which it will have ended, or the service provided will no longer be operated by their sponsor or anyone else. It also means an applicant must not be either:

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

Compliance with specified employment regulations

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

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

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

The most well-known aspect of the Working Time Regulations is the [maximum weekly working hours](#). If a sponsor states the worker has opted out, you should ask for evidence of this. The regulations also cover other important protections, outlined at the links below. If a sponsor claims an exemption applies to any of these

protections, you can ask for an explanation and refuse the application if you are not satisfied:

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

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

- long shifts without the daily or weekly rest breaks which workers would normally be entitled to
- claims that work is ‘unmeasured’ for either or both sets of regulations
- average hours agreements which seem unrealistic in the context of the job
- large deductions from salary, for accommodation or other reasons

These signs are more frequently seen in relation to ‘live in’ roles, such as care workers or domestic staff. However, you should be mindful that both sets of regulations are complex and there are a number of exemptions that may apply to an individual case. If you are in doubt, you should consider requesting additional information from the sponsor or seeking advice from the Economic Migration Policy team through the Work and Study Technical Team.

Related content

[Contents](#)

[Mandatory points requirement](#)

Job at an appropriate skill level

This section explains how to assess the skill level requirement for Skilled Workers.

The applicant must score 20 points for a job at the appropriate skill level. To award these points, you must be satisfied the applicant is being sponsored in an occupation code listed in Table 1, Table 2, Table 2a or Table 3 of [Appendix Skilled Occupations](#) or listed in [Appendix Immigration Salary List](#).

You must not award points for a job at the appropriate skill level if you are not also awarding the 20 mandatory points for sponsorship.

Exaggerated or incorrect occupation codes

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

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

This is not an exhaustive list.

The SOC2020 coding system is a live document and is subject to change. You will need to assess applications based on the most up to date coding. This should be done using the [CASCOT occupational coding tool](#).

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

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

- to make a job which is not at the appropriate skill level appear more skilled
- to be able to pay the applicant a lower going rate
- to qualify for tradeable points for a job in an occupation on the Immigration Salary List
- to qualify for tradeable points for a relevant PhD qualification

To support this assessment, you may, in particular, consider:

- whether the sponsor has shown a genuine need for the job as described
- whether the applicant has the appropriate skills, qualifications and experience needed to do the job as described

- the sponsor's history of compliance with the immigration system including, but not limited to, paying its sponsored workers appropriately
- any additional information from the sponsor

This is not an exhaustive list.

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

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

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

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

ATAS requirement

For applications made from 21 May 2021, applicants must provide a valid Academic Technology Approval Scheme (ATAS) certificate if all of the following apply:

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

The details are set out in [Appendix ATAS](#). Sponsors should confirm on the applicant's certificate of sponsorship (CoS) whether the ATAS requirement applies. A field will be added to the CoS to confirm this but, at the moment, it needs to be set out in a sponsor note.

If the first 3 bullet points above apply, but the sponsor has not provided a note to say whether the ATAS requirement applies and the applicant has not provided an ATAS certificate, you should contact the sponsor to confirm whether the requirement applies. If the sponsor fails to provide the necessary confirmation, you should not award points for sponsorship (paragraph SW 5.1(f)).

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

If an applicant does not provide a copy of a valid ATAS certificate when required, you should not award points for a job at an appropriate skill level (paragraph SW 6.3A).

Related content

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[Mandatory points requirement](#)

[Sponsorship](#)

English language

This section explains how to assess the English language requirement for Skilled Workers.

The applicant must score 10 points for English language skills equivalent to level B1 of the Common European Framework of References for English language in all 4 components (reading, writing, speaking and listening). To award these points, you must be satisfied the application meets the requirements in paragraphs SW 7.1. to SW 7.4.

To assess whether the requirement is met, you should refer to the English language guidance. Non-POISE see: [English language guidance](#).

Related content

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[Mandatory points requirement](#)

Tradeable points requirement

This section provides an overview of how tradeable points are scored for Skilled Workers.

In addition to the 50 mandatory points under paragraph SW 4.1., an applicant must score 20 mandatory points under paragraph SW 4.2., which contains 11 options:

Option	Description	Relevant rules	Points
A	Salary	SW 8.1.	20
B	Salary and relevant PhD qualification	SW 9.1. to SW 9.4.	20
C	Salary and relevant STEM PhD qualification	SW 10.1. to SW 10.3.	20
D	Salary and a job in an occupation on the Immigration Salary List	SW 11.1. to SW 11.3.	20
E	Salary and applicant is a new entrant	SW 12.1. to SW 12.3.	20

Options F-J are available to applicants whose:

- application was before 4 April 2030
- were granted permission as a Skilled Worker under the rules in place before 4 April 2024
- have had continuous permission as a Skilled Worker since then

Option	Description	Relevant rules	Points
F	Salary	SW 8.1.	20
G	Salary and relevant PhD qualification	SW 9.1. to SW 9.4.	20
H	Salary and relevant STEM PhD qualification	SW 10.1. to SW 10.3.	20
I	Salary and a job in an occupation on the Immigration Salary List	SW 11.1. to SW 11.3.	20
J	Salary and applicant is a new entrant	SW 12.1. to SW 12.3.	20

Option K is available to applicants who are applying for a salary and a job in a listed health or education occupation, listed in Table 3 of Appendix Skilled Worker (regardless of any previous permission).

Option	Description	Relevant rules	Points
K	Salary and a job in a listed health or education occupation	SW 13.1. to SW 13.3.	20

All the tradeable points options require the salary is assessed according to specific criteria, which are set out in paragraphs SW 14.1. to SW 14.5.

If an applicant scores fewer than 20 tradeable points, you must refuse the application and advise the applicant how you have considered the information provided against the tradeable points options and why they have not scored 20 tradeable points. Further information is available under [assessing tradeable points](#).

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Assessing tradeable points

This section tells you how to assess tradeable points for Skilled Workers.

The application process will ask applicants and sponsors to provide all relevant information which might attract tradeable points. It is possible for applicants to score tradeable points in more than one way (although they cannot mix and match different options). This does not mean you necessarily need to consider every option fully in every application.

You should first consider the mandatory points for sponsorship and a skilled job. Then you should consider whether the occupation code is in Table 1, Table 2, Table 2a, or Table 3 of [Appendix Skilled Occupations](#) (as this will affect the options which are available). Salary should be considered next, then (in the case of occupations in Tables 1 to 2a) any other information which could attract tradeable points.

Are the sponsorship and skilled job requirements met?

All the tradeable points options rely on the applicant having a valid certificate of sponsorship (CoS) and a genuine job which meets the skills threshold. You must not award tradeable points if you are not awarding the 20 mandatory points for sponsorship and / or the 20 mandatory points for a job at an appropriate skill level. You do not need to assess tradeable points further if an application falls for refusal for these reasons.

Occupations in Tables 1, 2 and 2a

The majority of occupation codes eligible for the Skilled Worker route are listed in Tables 1, 2 and 2a of [Appendix Skilled Occupations](#). The same occupations appear in Tables 1 and 2, but different going rates are shown to reflect the different tradeable points options.

Tradeable points options A to E (detailed above) apply to the occupations and going rates listed in Table 1. Tradeable points options F to J (also detailed above) apply to the occupations and going rates listed in Tables 2 and 2a.

If the occupation is listed in Tables 1 to 2a, you must assess all the tradeable points options until you find one where the applicant can be awarded 20 points, or until you have exhausted all the options and the application falls for refusal.

For occupations listed in Table 3 of [Appendix Skilled Occupations](#), see the next section.

It is recommended you assess the tradeable points options firstly by assessing salary (which applies to all tradeable points options). The “Assessing salaries” section explains which tradeable points options to consider further, depending on the salary.

In doing so, you must take into account all the available information, and seek further information from the applicant or their sponsor where appropriate.

If a sponsor has not stated the job is on the Immigration Salary List, but they have selected an occupation code which is on the list, you must consider whether the job should be treated as being on the list. If only some jobs within the occupation are listed in [Appendix Immigration Salary List](#), and it is unclear from the job description whether the applicant's job is included, you should seek further information from the sponsor.

You do not, however, need to make contact speculatively if there is nothing in the current application to indicate an applicant may meet the requirements of a tradeable points option or if they score the required 20 tradeable points in another way.

If tradeable points cannot be awarded under any of options A to J, your decision must also show you have considered option K (and awarded 0 tradeable points under it, as the job is not in an eligible occupation).

Occupations in Table 3

Some health and education occupation codes are listed in Table 3 of [Appendix Skilled Occupations](#). The going rates for these occupations are taken from national pay scales and no discounts to the going rates are available. If an applicant is being sponsored in an occupation code in Table 3, they can **only** score tradeable points based on option K.

You do not need to assess other tradeable points options but, if refusing, the decision letter must state clearly the applicant is not eligible under the other options because of their occupation code.

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Assessing salaries

This section explains how to assess salaries for Skilled Workers.

For each tradeable points option, sponsors must pay applicants whichever is the higher of the following:

- the relevant general threshold
- the going rate (subject to any permitted reductions)

What to include

Under paragraphs SW 14.1. to SW 14.2., you can generally only include guaranteed basic gross pay. You can also include other payments, but only where the sponsor has confirmed they are guaranteed and are treated exactly the same as basic gross pay for tax, pension and national insurance purposes.

No other pay and benefits must be included when assessing salary. Examples of pay and benefits which are not included are listed in paragraph SW 14.2. This is not an exhaustive list. However, if an applicant has chosen to give up part of their basic pay as part of a salary sacrifice scheme, this should not be deducted.

Paragraph SW 14.5(a) sets out a transitional arrangement for Tier 2 (General) migrants. Their salaries can continue to include allowances, providing **all** the following conditions are met:

- they are applying to extend with the same sponsor
- the date of application is before 1 December 2026
- the allowances are guaranteed
- the allowances will be paid for the duration of the applicant's permission (one-off bonuses are not included and cannot be pro-rated)
- the allowances would be paid to a local settled worker in similar circumstances (such as London weighting)

Where a sponsor has listed these types of allowances, but the transitional arrangement does **not** apply, the sponsor may be unaware of the rules changes on allowances. You should consider contacting the sponsor to give them the opportunity to amend the salary and allowances package, if this could alter the decision on the application.

The general threshold

The general threshold is the minimum salary which applies regardless of the applicant's occupation code. This may be £38,700, £34,830, £30,960, £29,000, £26,100 or £23,200 depending on the tradeable points option and whether transitional arrangements apply.

Note that the general thresholds of £30,960, £29,000, £26,100 and £23,200 (tradeable points options F to J) are only available to individuals:

- who are applying for the Health and Care visa in an occupation which does not use national pay scales to determine their going rate (as those are covered separately by option K)
- whose application was before 4 April 2030, were granted permission as a Skilled Worker under the rules in place before 4 April 2024, and have had continuous permission as a Skilled Worker since then

For further detail on these transitional arrangements see the section on '[Awarding tradeable points for salary](#)' below (see SW 4.2.)

The general salary threshold of £23,200 (option K) is also available to individuals who are applying for a salary and a job in a listed health or education occupation, listed in Table 3 of Appendix Skilled Worker

The general threshold is the same, regardless of how many hours a week the applicant is sponsored to work. It cannot be pro-rated for part-time work.

However, if the applicant is being sponsored to work more than 48 hours a week, only the salary for the first 48 hours a week can be considered. For example, if the applicant is sponsored to work 60 hours a week for £12.501 per hour, they will be considered to have a salary of £31,200 (£12.50 x 48 x 52) per year and not £39,000 (£12.50 x 60 x 52).

The exception to this is if the applicant's working hours are not the same each week. In these cases, more than 48 hours in some weeks can be considered towards the salary thresholds, providing the average over a regular cycle (which can be less than, but not more than, 17 weeks) is not more than 48 hours a week.

For example, an applicant who works a pattern of 60 hours a week for £18.75 per hour for two weeks, followed by an unpaid rest week, will be considered to work 40 hours a week on average and have a salary of £39,000 (£18.75 x 40 x 52) per year.

Any unpaid rest weeks in these cases will count towards the average when considering whether the salary thresholds are met. They will not count as unpaid absences from employment.

The going rate

The going rate is the minimum salary which applies for a particular occupation code. The going rates are set out in [Appendix Skilled Occupations](#). Depending on the tradeable points option, applicants must be paid either the full going rate, or 70%, 80% or 90% of the going rate. These reductions are not permitted for applicants sponsored in occupation codes listed in Table 3 of [Appendix Skilled Occupations](#).

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

The going rates in Table 1, Table 2, and Table 2a of [Appendix Skilled Occupations](#) are based on a 37.5-hour week. Hourly rates are shown in brackets. To avoid rounding errors, you should pro-rate the going rate based on the annual figure, rather than the hourly figure. You do this by dividing the annual going rate by 37.5, then multiplying by the weekly hours stated by the sponsor. For example, if the annual going rate is £39,000 and the applicant is sponsored to work a 25-hour week, the pro-rating calculation would be:

$$\text{£39,000} \div 37.5 \times 25 = \text{£26,000}$$

The going rates in Table 3 of [Appendix Skilled Occupations](#) are based on a 40-hour week (doctors), a 37.5-hour week (NHS Agenda for Change occupations), various different hours as stated (dentists) or the definition of a full-time worker (teaching occupations). The pro-rating calculation must be adjusted accordingly, for example dividing by 40 rather than by 37.5. For teaching occupations (where weekly working hours are not consistent throughout the year, due to term dates), you should ask the sponsor to confirm what proportion of a full-time equivalent (FTE) the applicant is, and pro-rate the going rate accordingly.

The applicant's full weekly hours must be included when checking their salary against the going rate, even if they work more than 48 hours a week. For example, an applicant who works 60 hours a week in an occupation code with a going rate of £45,000 must be paid £72,000 ($\text{£45,000} \div 37.5 \times 60$), not £57,600 ($\text{£45,000} \div 37.5 \times 48$).

If the applicant's salary is less than the pro-rated going rate, and they are being sponsored in an occupation code listed in Table 1, Table 2 or Table 2a of [Appendix Skilled Occupations](#), you must calculate what percentage of the going rate they are being paid. This is so you can determine which (if any) tradeable points options they may be eligible for. The worked example below shows how to do this.

Worked example

The going rate: worked example

An applicant's salary is £42,500, including £2,000 allowances.

Their sponsor has stated they will work 54 hours a week.

The allowances cannot be included, so only £40,500 salary can be considered.

For the general threshold, only the first 48 hours a week can be included:

$$\text{£40,500} \div 54 \times 48 = \text{£36,000}$$

The applicant does not meet the £38,700 general threshold. They may, however, still be able to score tradeable points from options which include the lower £34,830, £30,960, £29,000, £26,100 or £23,200 general thresholds.

The going rate for the occupation code is £31,500 for a 37.5-hour week.

The going rate: worked example

For the going rate, all the weekly hours must be included when pro-rating. The pro-rated going rate is therefore:

$$\text{£31,500} \div 37.5 \times 54 = \text{£45,360}$$

The applicant's salary of £40,500 is less than this, so you must calculate the percentage of the going rate they are paid:

$$\text{£40,500} \div \text{£45,360} \times 100 = 89\% \text{ (rounded)}$$

Because the applicant is only being paid 89% of the going rate, they cannot score tradeable points from options which require them to be paid the full going rate or 90% of the going rate. They may, however, still be able to score tradeable points from options which include 70% or 80% of the going rate.

Transitional arrangement for PhD-level roles

Transitional arrangements have been put in place for 5 PhD-level occupations (2114 Physical scientists, 2119 Natural and social science professionals not elsewhere classified, 2162 Other researchers, unspecified discipline, 2311 Higher education teaching professionals, and 2322 Education managers) which have significantly higher going rates following a change in the salary source used. Those who were previously Tier 2 (General) migrants sponsored in these occupations, and who continue to be sponsored in these occupations, must now meet the new going rates detailed in the table below when they apply to change employment, extend their permission or settle before 1 December 2026. Paragraph SW 14.5(c) sets out the new transitional arrangements for these applicants.

Following the adoption of the SOC2020 coding system on 4 April 2024, the SOC codes for these occupations have been changed. The new going rates and SOC codes under this transitional arrangement are as follows:

SOC 2010 occupation code	Equivalent SOC 2020 occupation code(s)	Going rate – option F	90% of going rate – option G	80% of going rate – options H and I	70% of going rate – option J
2113 Physical scientists	<ul style="list-style-type: none">• 2114 Physical scientists	£29,000 (£13.94 per hour)	£26,100 (£12.55 per hour)	£24,750 (£11.90 per hour)	£24,750 (£11.90 per hour)
2119 Natural and social science professionals not elsewhere classified	<ul style="list-style-type: none">• 2119 Natural and social science professionals not elsewhere classified	£29,000 (£13.94 per hour)	£26,100 (£12.55 per hour)	£24,750 (£11.90 per hour)	£24,750 (£11.90 per hour)

SOC 2010 occupation code	Equivalent SOC 2020 occupation code(s)	Going rate – option F	90% of going rate – option G	80% of going rate – options H and I	70% of going rate – option J
	<ul style="list-style-type: none"> 2162 Other researchers, unspecified discipline 				
2311 Higher education teaching professionals	<ul style="list-style-type: none"> 2162 Other researchers, unspecified discipline 2311 Higher education teaching professionals 2322 Education managers 	£33,000 (£15.87 per hour)	£29,700 (£14.28 per hour)	£26,400 (£12.69 per hour)	£24,750 (£11.90 per hour)

These going rates are based on a 40-hour working week and must be pro-rated for other working patterns, based on the weekly working hours stated by the applicant's sponsor.

This will not affect applications from those new to these occupations. Applicants who were not previously sponsored in Tier 2 (General) in these occupation codes should continue to be assessed against the going rates in Table 1 of [Appendix Skilled Occupations](#).

Awarding tradeable points for salary

After carrying out the salary assessment above, you must consider whether the applicant can be awarded tradeable points.

An applicant who does not currently hold permission as a Skilled Worker can only be awarded points from options A to E. The list of occupations which are eligible to trade points under options A to E can be found in Table 1 of [Appendix Skilled Occupations](#)

However, if the applicant is (or was) a Skilled Worker or Health and Care worker visa holder, you should first consider whether they meet the criteria set out in paragraph SW 4.2. That is, an applicant can be awarded points from options F to J if either:

- They are being sponsored for a Health and Care ASHE salary job
- the date of their application is before 4 April 2030, and they were granted permission as a Skilled Worker under the rules in place before 4 April 2024, and they have had continuous permission as a Skilled Worker since then

(except that where paragraph 39E applies, that period of overstaying will be disregarded)

The list of occupations which are eligible to trade points under options F to J can be found in Tables 2 and 2a of Appendix Skilled Occupations.

An applicant can only be awarded points from option K if they are being sponsored for a job in an appropriate eligible SOC 2020 occupation code listed in Table 3 of Appendix Skilled Occupations.

You should consider whether an applicant meets the various tradeable points options as follows:

Occupation codes in Table 1 of Appendix Skilled Occupations

Salary	Casework action
At least: <ul style="list-style-type: none">• £38,700; and• the full pro-rated going rate	<ul style="list-style-type: none">• award 20 points for salary alone (option A)• no need to consider other tradeable points options
At least: <ul style="list-style-type: none">• £34,830; and• 90% of the pro-rated going rate	<ul style="list-style-type: none">• does the applicant have a relevant PhD? (option B)• does the applicant have a relevant STEM PhD? (option C)• is the job on the Immigration Salary List (ISL)? (option D)• is the applicant a new entrant? (option E)
At least: <ul style="list-style-type: none">• £30,960; and• 80% of the pro-rated going rate	<ul style="list-style-type: none">• does the applicant have a relevant STEM PhD? (option C)• is the job on the Immigration Salary List (ISL)? (option D)• is the applicant a new entrant? (option E)
At least: <ul style="list-style-type: none">• £30,960; and• the full pro-rated going rate for the SOC2020 occupation code	<ul style="list-style-type: none">• is the job on the Immigration Salary List (ISL)? (option D)• is the applicant a new entrant? (option E)
At least: <ul style="list-style-type: none">• £30,960; and• 70% of the pro-rated going rate	<ul style="list-style-type: none">• is the applicant a new entrant? (option E)
Less than the above	<ul style="list-style-type: none">• the applicant cannot score tradeable points (you must also refuse under option K due to the job not being in an eligible occupation)

Occupation codes in Tables 2 and 2a of Appendix Skilled Occupations

Salary	Casework action
At least: <ul style="list-style-type: none"> • £29,000; and • the full pro-rated going rate for the SOC2020 occupation code 	<ul style="list-style-type: none"> • award 20 points for salary alone (option F) • no need to consider other tradeable points options
At least: <ul style="list-style-type: none"> • £29,000; and • 90% of the pro-rated going rate 	<ul style="list-style-type: none"> • does the applicant have a relevant PhD? (option G) • does the applicant have a relevant STEM PhD? (option H) • is the job on the Immigration Salary List (ISL)? (option I) • is the applicant a new entrant? (option J)
At least: <ul style="list-style-type: none"> • £23,200; and • 80% of the pro-rated going rate 	<ul style="list-style-type: none"> • does the applicant have a relevant STEM PhD? (option H) • is the job on the Immigration Salary List (ISL)? (option I) • is the applicant a new entrant? (option J)
At least: <ul style="list-style-type: none"> • £23,200; and • the full pro-rated going rate for the SOC2020 occupation code 	<ul style="list-style-type: none"> • is the job on the Immigration Salary List (ISL)? (option I) • is the applicant a new entrant? (option J)
At least: <ul style="list-style-type: none"> • £23,200; and • 70% of the pro-rated going rate 	<ul style="list-style-type: none"> • is the applicant a new entrant? (option J)
Less than the above	<ul style="list-style-type: none"> • the applicant cannot score tradeable points (you must also refuse under option K due to the job not being in an eligible occupation)

Occupation codes in Table 3 of Appendix Skilled Occupations

Salary	Casework action
At least: <ul style="list-style-type: none"> • £23,200; and • the full pro-rated going rate 	<ul style="list-style-type: none"> • award 20 points for a job in a listed health or education occupation and salary (option K) • no need to consider other tradeable points options •

Salary	Casework action
Less than the above	<ul style="list-style-type: none"> • if the applicant is sponsored as a nurse or midwife, their salary may be temporarily (for up to 8 months) less than £23,200 per year, but only if the conditions set out in paragraph SW 13.2. to SW 13.3. are met • the applicant cannot score tradeable points in other circumstances

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Relevant PhD qualifications

This section explains how to assess relevant PhD qualifications for Skilled Workers (tradeable points options B,C, G and H).

Eligible occupations

Not all occupations are eligible for tradeable points for a relevant PhD qualification. You should check the “Eligible for PhD points (SW)?” column in Table 1 and Table 2 of [Appendix Skilled Occupations](#). If the applicant’s occupation code is not listed with a ‘yes’ in this column, you do not need to consider these options any further.

The occupation codes listed as being eligible for PhD points are all those where the first 2 digits are ‘11’, ‘21’, ‘22’, ‘23’, ‘24’ or ‘31’. (Occupation codes beginning with ‘12’ are not included in this list.)

Checking qualifications

If the applicant is relying on a recognised qualification awarded by a **UK** institution, they are asked to provide a copy of their certificate. An academic reference, together with an explanation why the certificate is unavailable, may also be accepted. Acceptable reasons for the certificate not being available could include the certificate not having been issued yet, or the university being unable to replace a lost or damaged certificate.

If the applicant is relying on a recognised qualification awarded by an **overseas** institution, Ecctis (formerly UK NARIC) must have verified it as genuine and equivalent to a UK PhD. The sponsor must state the Ecctis reference number on the certificate of sponsorship (CoS).

You must check the Ecctis UKVI Verification Portal. You will be asked to input the applicant’s Ecctis reference number and date of birth. The portal will return one of four outcomes. It will also return the UK equivalency of the qualifications. Only “PHD” will be an acceptable equivalency.

Outcome	What it means	Casework action
‘Verified as genuine’ and equivalency is ‘PHD’	Qualification is genuine and meets the standard of a UK PhD.	Award tradeable points for the qualification.
“Verified as genuine” and any other equivalency	Qualification is genuine but does not meet the standard of a UK PhD.	Award 0 tradeable points for the qualification.
‘Unable to verify’	Qualification may or may not be genuine.	Request evidence of the qualification from the applicant.

Outcome	What it means	Casework action
		Consider inviting the applicant to interview.
'Does not match the institution's records'	Applicant does not have the qualification.	Award 0 tradeable points for the qualification. Refer to guidance on false representations [link] .
'Not applicable'	Applicant has requested the English language checking service from Ecctis, rather than the PhD checking service.	Request the correct Ecctis check – contact both the applicant and their sponsor.

An example of when Ecctis may be unable to verify could be where the overseas university no longer exists, due to military conflict.

If the Ecctis / UK NARIC reference number is incorrect, this may have been a simple error. You should check the CoS and the application to see if the correct number has been provided elsewhere. If not, you should contact the applicant to give them an opportunity to provide the correct number.

Checking relevancy for the job

The sponsor must provide a credible explanation of how the qualification is relevant to the job.

You should consider the information provided, including any explanation from the sponsor. If it is unclear whether the qualification is relevant to the job, you should refer the case to a manager. If it is still unclear, you should contact the sponsor for clarification.

STEM qualifications

Under tradeable points options C and H, the sponsor must provide a credible explanation as to why the qualification in question is in a Science, Technology, Engineering or Mathematics (STEM) subject.

You should consider the information provided, including any explanation from the sponsor. If it is unclear whether the qualification is in a STEM subject, you should discuss the case with a manager. If it is still unclear, you should contact the sponsor for clarification.

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Immigration Salary List

This section explains how to assess a job in an occupation on the Immigration Salary List (ISL) for Skilled Workers (tradeable points options D and I).

ISL occupations are listed in [Appendix Immigration Salary List](#).

For some occupation codes, jobs are only on the ISL if either or both of the following apply:

- they meet additional criteria (which may include certain jobs, experience, salary and / or other requirements)
- the job is based in a particular nation (or nations) of the UK

The certificate of sponsorship (CoS) must confirm the job is on the ISL and, where there are additional criteria in [Appendix Immigration Salary List](#), those criteria are met. Where relevant, you should use the 'working at' address to determine which UK nation the job is based in.

You should seek further information from the sponsor, if it is unclear from the CoS whether the job is on the ISL. For example, if some jobs in the occupation code are on the ISL and others are not. Or if the job might be on the ISL, but it is not clear from the job title and the sponsor has not marked this in the CoS. You should contact the sponsor to confirm and if so, you should make refund arrangements for the fee difference.

Unlike under Tier 2 (General), there is no minimum number of weekly hours for ISL occupations in the Skilled Worker route, providing the relevant general salary threshold requirements are met and the 'going rate' salary requirements are met when pro-rated.

Fees

Skilled Worker application fees are lower for applicants with a job on the Immigration Salary List (ISL). If an applicant has paid the lower fee, but cannot score points for a job on the ISL, you should contact the applicant and advise them:

- they cannot score points for a job on the ISL
- if they wish to be considered for other tradeable points, they will need to pay a top-up to the (non-ISL) Skilled Worker fee
- if no top-up is paid, they will not be considered for other tradeable points

Conversely, if an applicant has paid the higher fee, but is scoring points for a job on the ISL, you should arrange for the fee difference to be refunded.

Jobs removed from the Immigration Salary List

If the applicant was last granted permission for a job on the Immigration Salary List (ISL) and the job is no longer included in [Appendix Immigration Salary List](#) for the relevant UK nation, you can still award tradeable points for a job in on the ISL. However, they must be applying to continue working in the same job for the same sponsor. If they are applying to work for a different sponsor, they will need to score tradeable points in another way.

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New entrants

This section explains how to assess whether a Skilled Worker applicant is a new entrant (tradeable points options E and J).

A ‘new entrant’ means a new entrant to the labour market, in other words someone who is near the start of their career, who meets certain criteria. It does **not** mean an applicant who is making their first Skilled Worker application or entering the UK for the first time.

You can consider an applicant to be a new entrant if they meet any of the options in the table below:

Option	New entrant criteria	Information required from sponsor
1.	Applicant is under 26 on the date of application.	None – check the applicant’s passport.
2.	Applicant is sponsored for a post-doctoral position in one of the following occupations: <ul style="list-style-type: none">• 2111 Chemical scientists• 2112 Biological scientists• 2113 Biochemists and biomedical scientists• 2114 Physical scientists• 2115 Social and humanities scientists• 2119 Natural and social science professionals not elsewhere classified• 2162 Other researchers, unspecified discipline• 2311 Higher education teaching professionals; or	Check the occupation code on the certificate of sponsorship. The job title or description must confirm it is a post-doctoral position.
3.	Applicant is working towards a recognised professional qualification in a UK-regulated profession.	Check the CPQ website to confirm whether the job is in a UK-regulated profession. A job qualifies if it appears on any of the four lists. You should request further job details from the sponsor if the sponsor has stated the applicant is working towards a professional qualification and it is unclear whether the job is in a UK-regulated profession.

Option	New entrant criteria	Information required from sponsor
		The sponsor must confirm which recognised professional qualification the applicant is working towards – this must be a qualification accepted by the regulatory body for the profession.
4.	Applicant is working towards full registration or chartered status with the relevant professional body for the job they are sponsored for.	The sponsor must confirm who the relevant professional body is and the applicant is working towards full registration or chartered status.
5.	<p>Applicant's most recent permission, other than as a visitor, was under Tier 4 (General) or the Student route.</p> <p>The permission must either be current or have expired less than 2 years before the date of application.</p> <p>In that permission (or previous) permission, the applicant must have been sponsored to study one of the following courses (not any other qualifications of an equivalent level):</p> <ul style="list-style-type: none"> • a UK bachelor's degree • a UK master's degree • a UK PhD or other doctoral qualification • a Postgraduate Certificate in Education • a Professional Graduate Diploma of Education <p>The applicant must have completed (or be applying no more than 3 months before they are expected to complete) the course. An exception applies to PhDs and other doctoral qualifications, where the applicant must have completed at least 12 months' study in the UK towards the qualification.</p>	<p>Confirmation (from the applicant or their sponsor) the applicant has completed (or the date they are expected to complete) their course, or they have completed at least 12 months' study in the UK towards a PhD or other doctoral qualification.</p> <p>Check the applicant's immigration history for other information.</p>

Option	New entrant criteria	Information required from sponsor
6.	<p>Applicant's most recent permission, other than as a visitor, was under the Graduate route.</p> <p>The permission must either be current or have expired less than 2 years before the date of application.</p>	None – check the applicant's immigration history.

You should request relevant missing information from the sponsor, if the sponsor has indicated the applicant is a new entrant but has not provided the necessary details. You should discuss the case with a manager before doing this.

4-year time limit

Applicants can be new entrants for a maximum of 4 years. The 4 years includes time spent in any Tier 2 route, the Graduate route or as a Skilled Worker, whether or not that permission was for a continuous period.

An applicant cannot be considered as a new entrant for only part of the time they are applying for.

If the applicant is applying for more than 4 years, or if granting the application would mean they would have more than 4 years' permission in total (whether continuous or not) as a Tier 2 migrant and/or as a Skilled Worker, they cannot score tradeable points as a new entrant. They will need to score tradeable points in another way. You must not grant them a shorter permission than they are being sponsored for, so they would meet the new entrant requirements.

Where the applicant has time left under the 4-year time limit where they could qualify as a new entrant, you should discuss the case with a manager to decide whether to contact the sponsor and give them the opportunity to revise the dates on the certificate of sponsorship, to allow the applicant to qualify as a new entrant. Where the sponsor agrees, the Immigration Skills Charge and Immigration Health Charge may need to be re-calculated. You must not grant the applicant a shorter permission than they are being sponsored for, so they would meet the new entrant requirements, without the sponsor's agreement.

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Genuineness requirement

This section explains how to assess the genuineness requirement for Skilled Workers.

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

- genuinely intends to undertake the role described on the certificate of sponsorship (CoS)
- is capable of undertaking the role described on the CoS
- does not intend to undertake employment other than in the role for which they are being sponsored, or as otherwise permitted within the conditions of grant

To assess this, you may request:

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

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

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

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

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

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Financial requirement

This section explains how to assess the financial requirement (previously known as maintenance) for Skilled Workers.

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

When the above does not apply, an applicant can meet the financial requirement by either:

- their sponsor (providing they are A-rated) certifying they will, if necessary, maintain and accommodate the applicant up to the end of the first month of their employment, to an amount of at least £1,270
- providing evidence showing they have held funds of at least £1,270 for a 28-day period as set out in the financial requirement guidance (this has reduced from the 90-day requirement which existed for Tier 2 applications)

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Criminal records certificates

This section explains about the criminal records certificate requirement for Skilled Workers.

The criminal records certificate requirement applies if **all** of the following circumstances apply:

- the application is for entry clearance
- the applicant is being sponsored in an occupation code listed in paragraph SW 16.1

If the requirement applies, the applicant must provide a criminal records certificate for any country they have been present in for 12 months or more (whether continuously or in total) in the 10 years before the date of application, while they were aged 18 or over.

To assess whether the requirement is met, refer to the guidance on criminal records certificates. Non-POISE users see: [guidance on criminal records certificates](#).

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Changes of employment

This section explains when a Skilled Worker must make a change of employment application and how to consider this.

When a change of employment application is needed

The circumstances where a Skilled Worker's job can change without needing a fresh application are set out in [Part 9 of the Immigration Rules](#) (paragraphs 9.29.1 to 9.31.3). Other changes in job mean the Skilled Worker must re-apply with a new certificate of sponsorship (CoS) for their new job. This is referred to as a "change of employment" application.

A person must make a change of employment application if they:

- change employer
- remain with the same employer and either:
 - change their core duties which means their new job is in a different occupation code to the one stated on their original certificate of sponsorship
 - change their core duties which means they change jobs from one currently included in [Appendix Immigration Salary List](#) to one which is not included

A person does not need to make a change of employment application if:

- they are staying with the same employer and changing their job to one in the same occupation code, and the change does not mean moving from a job included in [Appendix Immigration Salary List](#) to one which is not included
- their basic pay increases
- they are moving under either:
 - Transfer of Undertakings (Protection of Employment) (TUPE) arrangements
 - equivalent statutory transfer schemes
 - the Cabinet Office Statement of Practice on Staff Transfers in the Public Sector
- they are still working in the same occupation code and they would still score 70 points if they were to make a new Skilled Worker application
- their pay was reduced or stopped during a period of absence of less than 4 weeks in a calendar year or (if longer than 4 weeks in a calendar year) for a reason listed in paragraph 9.30.1. of [Part 9 of the Immigration Rules](#)
- their salary is reduced, but they would still score 70 points if they were to make a new Skilled Worker application under the rules currently in place (based on the information we already have available – they could not, for example, reduce their salary below £38,700 based on a relevant PhD qualification, if this did not form part of their previous application)
- their salary is reduced because of a temporary reduction in their hours for individual health reasons, or a phased return to work for individual health reasons – in either case, this must be supported by an occupational health assessment and their hourly pay must not fall below any requirement which applied when their current permission was granted

Sponsors must still notify UKVI of any of the above changes (other than basic pay increases due to annual increments or temporary salary reductions permitted under the [Sponsor guidance](#)).

If the applicant has been subject to a transfer under TUPE (or similar as listed above), the Sponsor Licensing Unit (SLU) will check the transfer was done correctly.

They will update the applicant's Atlas or CRS record with the new sponsors details.

Considering a change of employment application

You must consider a change of employment application in the same way as an initial application.

The applicant must:

- provide a new CoS from their new sponsor
- meet all the suitability and eligibility requirements

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Supplementary and secondary employment

This section explains supplementary and secondary employment in the Skilled Worker route.

Supplementary employment

In addition to the job specified on the certificate of sponsorship (CoS), a Skilled Worker's conditions allow them to do extra work if it is:

- in an occupation listed in Tables 1, 2 or 3 of Appendix Skilled Occupations
- no more than 20 hours a week
- outside the working hours covered by the CoS

If the Skilled Worker is a General Practice (GP) trainee, who is granted permission until 4 Months after the end date on their CoS (see [Dates of permission granted](#) below), they can do supplementary work during these 4 months, even if they are no longer working for their sponsor. In all other cases, the person must remain working for their sponsor in order to be able to do supplementary work.

If the extra work meets the above requirements, the applicant does not need to inform the Home Office before taking extra work.

Secondary employment

A Skilled Worker can apply to do a second (additional) job that does not qualify as supplementary employment. For example, it requires more than 20 hours work a week. They will need a new CoS for this second job and must apply for a variation of permission, in addition to the certificate and permission for their existing job. This is because working in the second job is not covered by their existing conditions.

They cannot apply for further permission to stay for the second job until they have started working for their first sponsor. They will need to make a new application which must confirm they want to change their existing permission. The confirmation must include:

- the applicant's full name
- date of birth
- CoS reference number, from the current permission
- confirmation of the date when the current permission expires

If you approve their secondary employment, you will be varying the applicant's initial permission and the applicant will have 2 sponsors during the period both certificates are valid. Where the applicant has a biometric residence permit (BRP), you must arrange for a new BRP card to be issued. Where the CoS reference number is

displayed, the card should now read '2 CoS as Letter'. This indicates the applicant has secondary employment.

You must also change the applicant's approval letter to state the primary and secondary sponsors and the employment end dates for each. You must tell the applicant they must keep the approval letter with their BRP card as proof of their right to work.

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Settlement

This section explains how to assess settlement applications in the Skilled Worker route.

The validity and suitability requirements for settlement applications are set out at paragraphs SW 19.1. to SW 20.2. Refer to the validity and suitability sections earlier in this document for more information, although note that no certificate of sponsorship (CoS) or Immigration Health Charge is needed for settlement applications.

The guidance below explains how to assess the eligibility requirements, which are set out at paragraphs SW 21.1. to SW 24.4.

Qualifying period

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

- Skilled Worker
- Tier 2 (General)
- Global Talent
- Innovator Founder / Innovator
- T2 Minister of Religion / Tier 2 (Minister of Religion)
- International Sportsperson / T2 Sportsperson / Tier 2 (Sportsperson)
- Representative of an Overseas Business
- Tier 1 (Exceptional Talent)
- Tier 1 (Entrepreneur)
- Tier 1 (Investor)
- Tier 1 (General)

The most recent permission must have been in either the Skilled Worker or Tier 2 (General) route. An applicant does not need to have switched from Tier 2 (General) to Skilled Worker before applying for settlement as a Skilled Worker, as the definition of Skilled Worker in the Immigration Rules includes those with permission in the Tier 2 (General) route.

Due to major disruption to UKVI services during the COVID-19 pandemic, Tier 2 (General) and Skilled Worker applicants in the UK were permitted to start work for their sponsors while waiting for decisions on their applications. This time while they were waiting, but able to work, also counts towards the continuous 5-year period. The applicant must have been in the UK with permission (including as a visitor or with Exceptional Assurance), and the application must have been:

- for permission to stay
- made between 24 January 2020 and 30 June 2021 (inclusive)
- supported by a CoS on the date of application
- granted

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

Knowledge of life in the UK

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

Sponsorship and salary

The eligibility rules (paragraph SW 24.1.) require the sponsor to still hold a Skilled Worker licence. The sponsor must confirm they require the applicant to work for them for the foreseeable future, and the applicant will be paid at least the minimum salary in paragraph SW 24.3. for the foreseeable future. The sponsor should not assign a new CoS for this purpose – an email or letter is sufficient, as long as it can be verified with the sponsor if necessary.

This salary must meet or exceed one of the options set out in the table below:

Option	Applicant's circumstances	General salary	Going rate
A	All cases where rows B to D do not apply.	Salary of at least £38,700 per year	At least the relevant going rate listed in Table 1 of Appendix Skilled Occupations
B	The applicant was sponsored in their most recent permission for a job in Appendix Immigration Salary List, and rows C to E do not apply.	Salary of at least £30,960 per year	At least the relevant going rate listed in Table 1 of Appendix Skilled Occupations
C	The applicant meets the requirements of SW 4.2(b), save that references to being sponsored should be read as meeting the requirements in SW 24.1. to SW 24.2, and rows D and E do not apply.	Salary of at least £29,000 per year	At least the relevant going rate listed in Tables 2 to 2a of Appendix Skilled Occupations
D	The applicant was sponsored in their most recent permission for a job in either:	Salary of at least £23,200 per year	At least the relevant going rate listed in Tables 2 to 5 of

Option	Applicant's circumstances	General salary	Going rate
	<ul style="list-style-type: none"> • Appendix Immigration Salary List (or the previous Appendix Shortage Occupation List) • a health or education SOC 2020 occupation code listed in Table 3 of Appendix Skilled Occupations (or a related SOC 2010 occupation code shown in that table) <p>and, in either case, row E does not apply.</p>		Appendix Skilled Occupations
E	<p>The 5-year qualifying period for settlement includes time as a Tier 2 (General) Migrant in which the applicant was sponsored for a job in one of the following SOC 2010 occupation codes:</p> <ul style="list-style-type: none"> • 2111 Chemical scientists • 2112 Biological scientists and biochemists • 2113 Physical scientists • 2114 Social and humanities scientists • 2119 Natural and social science professionals not elsewhere classified • 2150 Research and development managers • 2311 Higher education teaching professionals 	Salary of at least £23,200 per year	<p>At least the going rate in the table at SW 14.5(c), if the applicant has continued to be sponsored in that SOC 2010 occupation code, or the equivalent SOC 2020 occupation code shown in Table 2 of Appendix Skilled Occupations, ever since.</p> <p>At least the relevant going rate in Tables 2 to 5 of Appendix Skilled Occupations, in other cases.</p>

The transitional arrangement at paragraph SW 14.5(c), for applicants sponsored in occupation codes 2114, 2119, 2162, 2311, 2322, also applies to settlement applications where all the requirements of SW 14.5(c) are met.

In all other circumstances, the salary must be **at least £38,700 per year and at least the going rate for the job** (whichever is higher).

The **minimum hourly rate** also applies to settlement applications.

Where the salary at settlement is below the salary set out in the CoS for the most recent permission, you should discuss the case with a manager to consider whether there have been previous breaches of conditions. There may be legitimate reasons for a reduction in salary.

Note for settlement applications:

- there is no reduction to the £38,700 or £29,000 thresholds for relevant PhD qualifications or new entrants
- there is no reduction to the going rate, for any reason

Assessing salary

You must consider the salary in the same way as set out in the 'Assessing salaries' section of this guidance. You can only consider the salary for the first 48 hours a week towards the general salary thresholds (except for irregular working patterns, as set out in that section).

You can only include salary from the applicant's sponsored job. You cannot include earnings from supplementary employment. If the applicant is undertaking secondary employment (for details see [Conditions of stay](#)), they can use the salary linked to either sponsor, but cannot combine salaries from both.

You should check the applicant's PAYE records for the past 12 months.

Until automated PAYE checks are available, applicants should provide a payslip and either a bank / building society statement or building society pass book, covering their most recent month's pay, with their application. These documents should be dated no earlier than 31 days before the date of application. You do not need to check their records for the past 12 months unless you have particular concerns.

If these do not support the minimum salary the sponsor states the applicant will be paid for the foreseeable future, you should discuss the case with a manager and consider requesting further information from the sponsor about why they claim the applicant will be paid more now and in future. You will need to assess the credibility of such claims, on the balance of probabilities. Relevant factors can include:

- the size of any pay increase
- whether the applicant has already been paid the increase and for how long
- evidence the applicant has been offered a promotion and / or increased responsibilities
- evidence the sponsor's business can support the salary increase

This is not an exhaustive list. Generic explanations, unsupported by evidence, should not be accepted.

An applicant may currently be absent from work for any 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)
- taking part in legally organised industrial action
- jury service
- attending court as a witness

If the sponsor has stated the applicant is currently absent from work for one of these reasons or has returned from such an absence within the month before the date of application, they may currently be on reduced or nil pay. You must consider their salary on their return to work, as stated by their sponsor.

You must also bear in mind the impact reduced or nil pay will have had on their PAYE records. You should ask the sponsor to confirm the dates of the absence or absence (if they have not already done so) and check earlier PAYE records if necessary.

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[Suitability for entry clearance and permission to stay applications](#)

[Assessing salaries](#)

[Conditions of stay](#)

Grant or refuse

This section tells you how to grant or refuse an application under the Skilled Worker route.

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

- [entry clearance](#)
- [entry at UK port](#)
- [permission to stay](#)

Dates of permission granted

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

(Entry clearance caseworkers should note this is a change from the previous Tier 2 Rules. There is no longer a restriction against entry clearance beginning more than 14 days before the start date stated on the applicant's certificate of sponsorship (CoS).)

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

In both circumstances, the end date of permission must be 14 days after the end date stated on the applicant's CoS (but see the exception for some doctors below). The end date on their CoS can be up to a maximum of 5 years after the start date on their CoS. (This means the maximum possible permission that can be granted at a time is up to 3 months before the CoS start date + 5 years' length of CoS + 14 days after the CoS end date.)

If the end date on the CoS passed 14 or more days before you make the decision, you cannot grant entry clearance.

For applications for permission to stay, if the end date of the CoS has passed, you may exceptionally grant 14 days permission to stay to allow the applicant to make a further application or leave the UK without becoming an overstayer. You should only do this because of delays outside the applicant's control, such as:

- Home Office process delays
- suspension then reinstatement of their sponsor's licence

If the applicant is being sponsored for General Practitioner (GP) specialty training in the occupation code '2211 Generalist medical practitioners', the end date of permission must be 4 months after the end date stated on the applicant's CoS, instead of the usual 14 days. (This is to give these applicants additional time to find employment with a GP practice who is a licensed sponsor before they make their next application.)

Irish citizens

Most Irish citizens do not need permission to live and work in the UK and therefore are not eligible to apply for permission under the Immigration Rules. You must reject any application for a visa from an Irish citizen as invalid, except where they are subject to:

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

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

eVisas

As evidence of their permission, applicants will receive an eVisa (a digital record of their immigration status) and/or a physical document (Entry Clearance / Biometric Residence Permit).

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Grant or refuse entry clearance

This section tells you how to grant or refuse entry clearance on the Skilled Worker route.

Endorsements

You must use one of the following endorsements:

- SKILLED WORKER MIGRANT
- SKILLED WORKER MIGRANT HEALTH & CARE

The category is Skilled Worker.

Biometric information for entry clearance

Successful applicants for entry clearance are given an eVisa and / or a [biometric resident permit \(BRP\)](#). If the entry clearance application is successful, you must give those given a BRP a 30-day visa to allow them to collect their BRP after they have arrived in the UK. Due to the coronavirus situation, these 30-day visas have been temporarily extended to 90 days.

Refuse entry clearance

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

Rights of appeal and administrative review – entry clearance applications

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

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Grant or refuse entry at UK port

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

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

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Grant or refuse permission to stay

This section tells you how to grant or refuse permission to stay on the Skilled Worker route.

Biometric information

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

Rights of appeal and administrative review

If an application for permission to stay is refused, applicants cannot exercise a right of appeal in country. However, if they think the Home Office has made an error in considering their application, they can apply for an [administrative review](#). Details of how to make an administrative review application must be included in the decision letter.

If the applicant raises consideration of any of human rights, section 47 and section 55, see:

- Safeguard and promote child welfare
- [Section 55 and the child's best interests](#)
- Human rights considerations: Article 8
- ISG 01 19 13 Removal decisions under section 47 of the Immigration, Asylum and Nationality Act 2006

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Conditions of stay

This section tells you about the conditions an applicant must meet if they are granted permission on the Skilled Worker route.

Applicants granted entry clearance or permission to stay in the Skilled Worker route are subject to the following conditions:

- they cannot take employment except:
 - working for the sponsor in the job recorded on their certificate of sponsorship
 - [supplementary employment](#)
 - [voluntary work](#)
 - working out a contractual notice period for any job they were lawfully working in on the date of application
- they have no access to public funds
- study (with no limit on the number of study hours if it doesn't interfere with the job they have been sponsored to do) subject to the restriction below

The applicant can do voluntary work in any sector. They must not be paid or receive other money for the voluntary work, except reasonable expenses as described in [section 44 of the National Minimum Wage Act](#).

The Skilled Worker is allowed to study, but they must obtain an Academic Technology Approval Scheme (ATAS) certificate for the course or research they intend to undertake and present it to their education provider before they start their study if:

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

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

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The certificate of sponsorship checking system

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

How to search the certificate of sponsorship checking system

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

You can search the system using the:

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

Searching using the applicant's details

If you select this option, you can search by:

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

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

Searching using the sponsor's details

If you select this option, you can search by:

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

When you check the CoS, you must:

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

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

Check the current status of the certificate of sponsorship

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

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Requesting more information

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

Applicants and their sponsors should provide all the necessary evidence and information with the application and certificate of sponsorship (CoS). If, however, there is a clear error or omission, it may be appropriate for you to discuss the application with a manager or technical expert to consider contacting the applicant and / or their sponsor to invite them to provide additional evidence or information.

Taking a fair and proportionate approach to assessment of evidence

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

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

Official – sensitive: start of section

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

Official – sensitive: end of section

Format of evidence

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

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

Where evidence is missing or inadequate

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

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

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

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

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

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

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

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

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

Failure to supply requested information

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

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

Related content

Contents

Immigration Skills Charge

This section tells you how to check the sponsor has paid the Immigration Skills Charge (ISC). It also explains how to request a top-up payment or refund through the ISC admin team.

Checking the sponsor has paid the ISC

The ISC payment is linked to the assignment of the certificate of sponsorship (CoS), not the application for entry clearance or permission to stay. It is paid by the sponsor.

An application is exempt from the ISC if any of the following apply:

- the applicant is seeking entry clearance for less than 6 months
- the job is a PhD-level occupation under SOC codes 2111, 2112, 2113, 2114, 2115, 2119, 2161, 2162 or 2311 (note this is not the same as the list of occupations which are eligible for PhD points)
- the job is in SOC codes 2463 (Clergy), 3431 (Sports players) or 3432 (Sports coaches, instructors and officials) - these occupations are not eligible for skilled worker and must apply under the relevant route (either International Sportsperson or T2 Minister of Religion)
- the applicant currently has permission for the purpose of study (is switching from the Tier 4 (General) route or the Student route)
- the applicant was previously exempt having switched from the Tier 4 (General) route or the Student route and is now applying to extend their permission in the same role with the same sponsor
- the sponsor is the same as on the applicant's previous application and the period covered by the new certificate of sponsorship overlaps the period covered by the previous certificate of sponsorship (the exemption only covers the overlap; the sponsor must pay the ISC to cover any extra time beyond the overlap)
- the applicant initially entered Tier 2 (General) or Tier 2 (Intra-Company Transfer) with a certificate of sponsorship assigned before 6 April 2017 and has held continuous permission ever since:
 - Tier 2 (General)
 - Tier 2 (Intra-Company Transfer)
 - Skilled Worker
 - Intra-Company Transfer

Charging costs

This section explains how much a sponsor is charged and the length of employment given on the CoS.

Applications which do not fall under an exemption attract a fee based on the type of sponsor and the length of the CoS.

A sponsor is eligible to pay the small or charitable sponsor ISC if it has charitable status, or it is subject to the small companies' regime as set out in [chapter 1](#), [paragraphs 381-384 of the Companies Act 2006](#), or it has no more than 50 employees. This is consistent with the differential rate that sponsors currently pay for a Skilled Worker sponsor licence. If the sponsor does not pay the charge or does not pay the right amount, the CoS is not valid.

To establish whether the sponsor has paid the correct charge, you must:

- check the ISC payment amount using the CoS checker
- use the work start and end dates on the CoS to determine the length of employment then use the below table to ensure the correct payment has been made:

Work start and end dates	Small or charitable sponsor	Medium or large sponsor
12 months or less	£364	£1000
More than 12 months, but no more than 18 months	£546	£1500
More than 18 months, but no more than 24 months	£728	£2000
More than 24 months, but no more than 30 months	£910	£2500
More than 30 months, but no more than 36 months	£1092	£3000
More than 36 months, but no more than 42 months	£1274	£3500
More than 42 months, but no more than 48 months	£1456	£4000
More than 48 months, but no more than 54 months	£1638	£4500
More than 54 months, but no more than 60 months	£1820	£5000

Contacting the ISC admin team

You will need to email the ISC Admin Team whenever the sponsor needs to pay either:

- the full charge
- a top-up payment

You must also contact the ISC Admin Team where a partial refund is required.

You must send all emails from your Team Mailbox and format the subject heading of your email as below:

'Department name – CID reference – CoS reference – action required'

For example:

- 'PSC – 17571913 - E4G7TK6D12M0J1 – partial refund'

In the body of the email you will need to confirm:

- the sponsor
- CoS reference number
- applicant's details
- reason for top-up / refund
- top-up / refund value

The ISC Admin Team will reply to your team mailbox to confirm the sponsor has made the correct payment or after 10 UK working days if they haven't paid in full.

Further details on the ISC, including a list of frequently asked questions, are included in separate ISC guidance.

Sponsor pays top-up after write-out

Once the sponsor has paid the correct charge, you must complete consideration of the case as normal.

Granting a shorter period of permission

If you grant an applicant a shorter period of permission than they requested, the sponsor may need a partial refund. You must:

- send an email to the ISC Admin Team to request a partial refund using the agreed naming convention confirming the sponsor, CoS reference number, applicant's details, reason for refund and refund value
- add Admin Event 'ISC Partial Refund – migrant granted lesser period of leave' to CID

Granting permission where sponsor has overpaid

If you grant an applicant permission, but the sponsor has overpaid the ISC, such as if the sponsor paid the large sponsor payment when they qualify as a charity, the sponsor will need a partial refund. You must:

- email the ISC Admin Team to a request partial refund using the agreed naming convention confirming the sponsor, CoS reference number, applicant's details, reason for refund and refund value
- add Admin Event 'ISC Partial Refund – overpayment' to CID

Refusing the application

If you refuse the application and the sponsor is due a full refund, you do not need to request a refund. The refund will be picked up by the ISC Admin Team using Management Information (MI).

If the sponsor does not pay the top-up after writing out

You must continue with consideration of the application. The appropriate Admin Event must be added to CID when refusing case, for example:

- ‘Refusal Reason – ISC only’
- where the **only** ground for refusal is the sponsor has not paid the necessary ISC **and** we have given them at least 10 UK working days from the date of the appointment / initial case consideration to pay it
- ‘Refusal Reason – ISC plus other’
- where the sponsor has paid the incorrect ISC, but this is not the only reason for refusing the application

Related content

[Contents](#)