

Workers and Temporary Workers: guidance for sponsors

Sponsor a Government Authorised Exchange worker

Version 01/25

This document forms part of the collection 'Workers and Temporary Workers: guidance for sponsors'. It provides information for employers on how to sponsor a worker on the Government Authorised Exchange (GAE) immigration route.

This version of the guidance is valid from 1 January 2025.

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About this guidance

This document provides information for employers on how to sponsor a worker on the Temporary Work – Government Authorised Exchange route ('GAE route')

The GAE route is for people who want to come to the UK for a temporary period for work experience, job shadowing or training, to take part in an Overseas Government Language Programme, or undertake research or a fellowship through an approved exchange scheme. GAE workers can stay in the UK for up to two years – the maximum period depends on the scheme under which they are being sponsored.

Other guidance you must read

To make sure you meet all of the relevant requirements and fulfil your sponsorship duties, you must read the following parts of the sponsor guidance, in addition to this document:

- <u>Part 1: Apply for a licence</u> this contains detailed information on how to apply for a sponsor licence and how we assess applications
- <u>Part 2: Sponsor a worker</u> this contains detailed information on how to sponsor Workers and Temporary Workers, including how to request and assign Certificates of Sponsorship, immigration requirements, and conditions of stay
- <u>Part 3: Sponsor duties and compliance</u> this contains detailed information about your duties as a licensed sponsor and the action we can take if you fail to meet these duties
- any relevant annexes or appendices referred to in the above documents

You can access all of these documents, and other information on sponsorship, on the <u>Sponsorship: guidance for employers and educators</u> page on GOV.UK.

This guidance is subject to change. If you have printed or downloaded a copy of this guidance, check the version number and date on GOV.UK to ensure you are using the most up-to-date version.

Glossary

There is a glossary of terms used throughout the sponsor guidance (including this document) at the beginning of <u>Part 1: Apply for a licence</u>.

For a definition of 'occupation code', 'SOC 2020 occupation code' and 'SOC 2010 occupation code', see the glossary in <u>Part 2: Sponsor a worker</u>.

If you are a 'PB1 sponsor' taking part in the initial roll-out phase of the new sponsorship service (Sponsor UK), see Annex GA2 for a glossary of terms relevant to the new service.

Terms used in this document:

Government Authorised Exchange route (or 'GAE route')

This means the route in <u>Appendix Temporary Work – Government Authorised</u> <u>Exchange</u> to the Immigration Rules. Where the context requires it, it can also refer to:

- the route in Appendix T5 (Temporary Worker) Government Authorised Exchange Worker in place between 1 December 2020 and 10 October 2021 inclusive
- the Government Authorised Exchange sub-category of Tier 5 (Temporary Worker) in Part 6A of the Rules in place before 1 December 2020

You can find previous versions of the Immigration Rules in the <u>Immigration Rules</u> <u>Archive</u> on GOV.UK.

Government Authorised Exchange worker (or 'GAE worker')

This means a person who is applying for, or has been granted, entry clearance or permission to stay on the GAE route; or who you are sponsoring, or intend to sponsor, on this route.

Contacts

If you think this guidance has factual errors or broken links, you can email the Business Helpdesk.

If you have read this guidance, and the guidance referred to above, and you still have any queries, you can call us on 0300 123 4699 or email the <u>Business</u> <u>Helpdesk</u>.

Version number and publication

Below is information on the version number of this guidance and when it was cleared for publication:

- version 01/25
- published on 1 January 2025

You can view previous versions of this guidance on the National Archives website.

Changes to this guidance

This version replaces version 10/24 (published on 24 October 2024). The following changes have been made:

- Annex GA1, section 10.1: information relating to proof of immigration status and biometric residence permits has been deleted as this replicates information contained in Part 2: sponsor a worker (and biometric residence permits will no longer be valid beyond 31 December 2024).
- Annex GA2, definition of 'Sponsor a Worker submission': missing word "to" inserted after the word "eligible".

Contents

GA1. Sponsoring a GAE worker: overview

This section provides an overview of the Government Authorised Exchange (GAE) route and the sponsorship requirements you must meet.

What is the GAE route?

- GA1.1. The GAE route is a temporary work route for people who wish to come to the UK through an approved scheme that aims to share knowledge, experience and best practice. Each scheme fits into one of the following four types of programme:
 - Work Experience Programme
 - <u>Research Programme</u>
 - Overseas Government Language Programme
 - Training Programme
- GA1.2. The individual scheme must be listed as eligible in <u>Appendix Government</u> <u>Authorised Exchange schemes</u>. The role must be in an occupation code listed in Table 1, 2 or 3 of <u>Appendix Skilled Occupations</u>. Roles listed in other tables are not eligible to be sponsored on the GAE route.
- GA1.3. GAE workers can stay in the UK for a maximum of 12 months if coming for a scheme on the Work Experience Programme (unless a shorter maximum period is specified in <u>Appendix Government Authorised</u> <u>Exchange schemes</u>), or a maximum of 2 years in all other cases. It is not a route to settlement in the UK.
- GA1.4. GAE Workers can bring their family members (dependent partner and dependent children) to the UK, if they meet the relevant immigration requirements for dependants.

Who needs to be sponsored on the GAE route?

- GA1.5. You will need to sponsor any overseas national you wish to employ if they are not a 'settled worker' or do not otherwise have immigration permission to work for you in the UK. This includes most <u>EU, EEA</u> and Swiss nationals who arrived in the UK after 31 December 2020.
- GA1.6. You do not have to sponsor certain categories of worker, including:
 - Irish citizens (with very limited exceptions)
 - people who have been granted status under the <u>EU Settlement</u> <u>Scheme</u>
 - people with indefinite leave to enter or remain in the UK (also known as 'settlement')

GA1.7. This is not a complete list. For further information on who does, and does not, need sponsorship, see section S1 of <u>Part 2: Sponsor a worker</u>.

What are the sponsorship requirements for the GAE route?

- GA1.8. If you wish to sponsor a GAE worker, you must:
 - hold a valid <u>sponsor licence</u> for the GAE route
 - understand <u>what the GAE route is</u> and <u>who you can sponsor</u> on this route
 - understand the general requirements for sponsoring workers see <u>Part 2: Sponsor a worker</u>
 - satisfy yourself any worker you sponsor on this route can meet the <u>immigration requirements</u> for this route
 - assign a valid <u>Certificate of Sponsorship</u> to the worker (or, if you are a 'PB1 sponsor', <u>make a successful 'sponsorship submission' for the</u> <u>worker</u>) and pay the <u>relevant fee</u>
 - have eligible 'Key Personnel' in place to manage your licence and assign CoS (or make sponsorship submissions) – see section L4 of <u>Part 1: Apply for a licence</u> for guidance on Key Personnel
 - keep records for each worker you sponsor, as set in in <u>Appendix D</u> to the sponsor guidance
 - understand and comply with all of your sponsor duties see <u>Part 3</u>: <u>Sponsor duties and compliance</u>

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GA2. How to get a GAE sponsor licence

This section tells you about the requirements you must meet to be eligible for Government Authorised Exchange Worker (GAE) sponsor licence.

General requirements

- GA2.1. If you wish to sponsor a GAE worker, you must hold a valid sponsor licence for the GAE route. If you do not already hold such a licence, you must apply for one by completing the <u>online application form</u>, paying the relevant <u>application fee</u>, and submitting the supporting evidence specified in <u>Appendix A</u> to the sponsor guidance.
- GA2.2. Before applying for your licence, you should read:
 - <u>Part 1: Apply for a licence</u> for detailed information on the general requirements and the application process
 - this section for guidance specific to the GAE route
- GA2.3. If you already hold a valid licence to sponsor workers, but it does not include the GAE route, you can apply to add this route to your existing licence. For further information on adding routes to your licence, see section L10 of <u>Part 1: Apply for a licence</u>.

Specific requirements for a GAE licence

GA2.4. In addition to the requirements set out in <u>Part 1: Apply for a licence</u>, you must also meet the requirements set out in this section.

Scheme specifications

- GA2.5. The GAE route is for individuals coming to the UK through approved schemes that aim to share knowledge, experience and best practice. The approved schemes are listed in <u>Appendix Government Authorised</u> <u>Exchange schemes</u> to the Immigration Rules. The underlying principles of these schemes are that they:
 - must be endorsed by a UK government department; and
 - will be administered by an overarching sponsor and not an individual employer
- GA2.6. To stop potential abuse of this route and the creation of small, isolated schemes, individual employers and organisations are not normally allowed to sponsor workers on this route, even if they are licensed as a sponsor on other routes. The only exceptions to this are if you are one of the following:

- a higher education institution and you wish to sponsor an individual under the Sponsored Researchers scheme – you must include with your sponsor licence application a copy of the approval letter from the Department for Science, Innovation and Technology confirming your access to the scheme
- UK Research and Innovation (UKRI), or an organisation endorsed by UKRI, and you wish to sponsor individuals under UKRI's Science, Research and Academia scheme or UKRI's Future Technology Research and Innovation scheme – you must include with your sponsor licence application a copy of the approval letter from UKRI confirming your access to the scheme
- a diplomatic mission or consular post that has a Memorandum of Understanding (MoU) currently in place with the Foreign, Commonwealth and Development Office (FCDO) to sponsor interns under the Diplomatic Missions Interns Scheme – you must include with your sponsor licence application a copy of the signed MoU between you and the FCDO
- GA2.7. In all other cases, the sponsor for a GAE scheme must be an overarching body which administers the exchange scheme and acts as the licensed sponsor for any workers. Overarching sponsors do not normally employ or engage the worker they are sponsoring directly but will place them with a participating organisation ('host employer') as part of the approved scheme.
- GA2.8. We wish to avoid unnecessary proliferation of GAE schemes. While it remains possible to add new schemes, we will consider doing so only where there is a compelling case. We reserve the right not to agree proposals for new schemes, even where these have secured the support of another government department. In addition to meeting the requirements set out further below, we will only agree proposals for a new GAE scheme, or to the renewal or expansion of existing schemes, where:
 - for new schemes or expansion of existing schemes, the proposal meets a need that is not catered for by an existing scheme or any other provisions of the <u>Immigration Rules</u>
 - the purpose of the scheme does not conflict with wider considerations of immigration policy
 - the purpose and foreseeable benefits of the scheme are clearly and directly linked to a specific wider Government policy objective
 - the scheme provides a unique opportunity for the sharing of knowledge or the delivery of workplace experience or training that cannot reasonably be accessed in the individual's home country or usual country of residence, and the delivery of these objectives are best served by admitting overseas nationals to the UK
 - we are satisfied that the government department endorsing the scheme will monitor the operation of the scheme and assess delivery against the scheme's objectives – this includes reporting to us annually on the benefits that the scheme is bringing, how it is meeting its objectives, and the measures in place to guard against abuse

Step-by-step process for obtaining a GAE licence

GA2.9. If you wish to seek agreement to the introduction of a new GAE scheme, you must follow the steps set out below.

1. Determine who the overarching body will be

GA2.10. If you want to set up a scheme under the GAE route but cannot act as the overarching body (for example, if you want a sector-wide scheme but you represent only a small part of your sector), you may need to identify an organisation that is suitable to act as the overarching body. This organisation will need to be able to comply with the sponsorship obligations set out in this document and the wider sponsor guidance.

2. Secure the endorsement of a government department for the proposed scheme

- GA2.11. Once you have identified a suitable overarching body, that body will need to approach the relevant government department to seek its endorsement. The overarching body may wish to consult the Home Office before it does so. It will need to provide the endorsing government department or agency with full details of the scheme. The overarching body should explain, for example:
 - why the scheme is necessary
 - what benefits the scheme will offer to your sector and to the UK
 - what participants will do under the scheme, including:
 - o details of the roles that will be filled
 - o salaries or payments that will be made to participants
 - the skill level of the work they will do
 - how long participants will spend in the UK under the scheme and why that period is appropriate
- GA2.12. If the overarching sponsoring body is an executive agency, it must secure endorsement from a government department before submitting a new scheme proposal. Executive agencies are not permitted to endorse a scheme that they are sponsoring.

3. Government department or agency seeks approval from the Home Office

GA2.13. It will be for the endorsing government department or executive agency to make the case to us for the introduction of a new scheme. If the government department, or one of its executive agencies, endorses the scheme, their relevant Accounting Officer must send a letter of endorsement to the Head of the Migration and Citizenship Directorate at the Home Office. In addition to the criteria above, we will need to be satisfied that:

- it's not the purpose of the scheme to facilitate the supply of labour participants must not fill vacancies and <u>must be supernumerary</u>
- the roles available under the scheme are listed in Table 1, 2 or 3 of Appendix Skilled Occupations
- the roles available under the scheme conform to all relevant employment legislation, such as the <u>National Minimum Wage</u> and <u>Working Time Regulations</u>
- the overarching body is able to meet its sponsorship duties as set out in <u>Part 3: Sponsor duties and compliance</u>, and will put in place measures that will protect the scheme from abuse

4. Scheme approved

GA2.14. If the scheme is approved, it will be added to <u>Appendix Government</u> <u>Authorised Exchange schemes</u> in the next available update to the Immigration Rules. The Rules are routinely updated twice a year, normally in the Spring and Autumn. You cannot sponsor a worker under the scheme until it is added to Appendix Government Authorised Exchange schemes.

How to keep your licence

- GA2.15. If you are granted a licence, you must comply with all of your sponsor duties to keep it. If you do not, we may take action against you, including:
 - downgrading your licence rating
 - suspending your licence
 - revoking your licence
 - reporting you to the police or other relevant authorities
- GA2.16. For details, see Part 3: Sponsor duties and compliance.

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GA3. Eligible employment on the GAE route

This section provides information on the types of role that are eligible for sponsorship on the GAE route. It also describes the 4 main GAE programmes.

Overview

GA3.1. You can only sponsor a worker on the GAE route if the role they will do:

- meets the skill level requirement
- is supernumerary
- complies with National Minimum Wage and the Working Time Regulations
- is in an eligible GAE scheme and you are authorised to sponsor workers on that scheme

Skill-level for the GAE route

GA3.2. You cannot use the GAE route to bring unskilled labour to the UK. The role must be in an occupation listed in Table 1, 2 or 3 of <u>Appendix Skilled</u> <u>Occupations</u>. These are roles which are generally considered to be skilled to level 3 or above on the Regulated Qualifications Framework for England or Northern Ireland (or the equivalent levels in Wales or Scotland).

Meaning of 'supernumerary'

GA3.3. You cannot use the GAE route to fill job vacancies. When you assign a Certificate of Sponsorship (CoS) to (or make a sponsorship submission for) a GAE worker, you must confirm the role is supernumerary, with a full explanation of why it's supernumerary. Supernumerary means that the role is in addition to your regular, required, or standard number of staff and does not fill a permanent position or ongoing vacancy in your workforce, even on a temporary basis. You should include this information in the job description field of the CoS form (or sponsor form if you are a 'PB1 sponsor').

Compliance with National Minimum Wage and the Working Time Regulations

GA3.4. In all cases, the role you are sponsoring the worker for must comply with the National Minimum Wage Regulations 2015 and the Working Time Regulations 1998. We will refuse any application for entry clearance or permission where we have reasonable grounds to believe it does not. We will also consider revoking your sponsor licence if we find you are breaching these Regulations.

GA3.5. For further information, see 'Compliance with National Minimum Wage and Working Time Regulations' in section S4 of <u>Part 2: Sponsor a worker</u>.

Eligible GAE schemes

GA3.6. Eligible GAE schemes and programmes are listed in <u>Appendix</u> <u>Government Authorised Exchange schemes</u> to the Immigration Rules. There is further information about the 4 main programmes below.

Work Experience Programme

- GA3.7. These schemes offer work experience, including volunteering, jobshadowing and internships. Work exchange programmes between the UK and other countries are also included in this scheme. The aim is for participants to gain experience of work in the UK.
- GA3.8. Approved schemes allow participants to take part for a maximum of 12 months (unless a shorter maximum period is specified in <u>Appendix</u> <u>Government Authorised Exchange schemes</u>).

Research Programme

- GA3.9. These schemes allow participants to undertake research programmes and fellowships on a scientific, academic, medical, or government research project at a UK Higher Education Provider or another research institution operating under the approval of a relevant government department. The relevant government department may also offer financial sponsorship for the institution.
- GA3.10. Approved schemes allow participants to take part for a maximum of 2 years.

Overseas Government Language Programme

- GA3.11. These schemes are professional language training programmes that are wholly or partly funded by an overseas government, or by an organisation affiliated to an overseas government.
- GA3.12. Approved schemes allow participants to take part for a maximum of 2 years.

Training Programme

- GA3.13. These are approved schemes that offer participants either formal, practical training in the fields of science and/or medicine, or training delivered by HM Armed Forces or UK emergency services.
- GA3.14. Approved schemes allow participants to take part for a maximum of 2 years.

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GA4. Immigration requirements for GAE workers

This section tells you about the requirements applicants must meet to come to the UK on the Government Authorised Exchange (GAE) route and where you can find further information.

Overview

- GA4.1. People who wish to come to the UK on the GAE route must meet the requirements in <u>Appendix Temporary Work Government Authorised</u> <u>Exchange</u> to the Immigration Rules.
- GA4.2. These requirements include that the applicant ('worker'):
 - has a valid <u>Certificate of Sponsorship (CoS)</u> (or valid sponsorship reference number if sponsored by a 'PB1 sponsor') issued by an <u>approved sponsor</u> for <u>eligible employment</u>
 - meets the financial requirement
 - genuinely intends, and is able, to undertake the role for which they are being sponsored
 - does not intend to undertake employment other than the role work for which they are being sponsored, or as otherwise permitted by their conditions of stay – see <u>Part 2: Sponsor a worker</u> for information on conditions of stay
 - where relevant, meets the ATAS requirement
 - if they were previously an officially sponsored student, has the consent of that sponsor to making the application
 - if they are aged under 18, meets the parental consent requirement
 - meets the relevant requirements for entry to the UK, extensions or 'switching'
- GA4.3. This is not a full list of requirements you must refer to the relevant <u>Immigration Rules</u> for these.

Financial requirement

- GA4.4. If the worker is applying for entry clearance from outside the UK, or has been in the UK for less than one year at the date of application, they must show they have enough funds to support themselves and any family members in the UK.
- GA4.5. If you are an A-rated sponsor, you can certify this requirement is met when you assign a CoS to (or make a sponsorship submission for) the worker. This is also known as 'certifying maintenance'. Otherwise, the worker must provide evidence of funds as specified in <u>Appendix Finance</u> to the Immigration Rules.

GA4.6. For further information, see 'Financial requirement' in section S7 of <u>Part 2:</u> <u>Sponsor a worker</u>.

ATAS requirement

- GA4.7. When you assign a CoS (or make a sponsorship submission) on the GAE route, you must check and confirm whether the worker needs to apply for an <u>Academic Approval Technology Scheme (ATAS) certificate</u> from the Foreign, Commonwealth and Development Office before they can start (or continue) working for you.
- GA4.8. A GAE worker will need an ATAS certificate if all of the following are true:
 - you are also licensed as a Student sponsor
 - the worker is not an exempt national
 - you are sponsoring the worker in a <u>relevant occupation code</u>
 - the work involves research at PhD level or above in <u>relevant subject</u> area

See Annex S1 of <u>Part 2: Sponsor a worker</u> for a definition of the terms 'exempt national', 'relevant occupation code' and 'relevant subject area'.

- GA4.9. If the worker needs an ATAS certificate, you should encourage them to apply for one as soon as possible, as they will need to include a copy of the certificate with their application for entry clearance or permission to stay. If they fail to do so, we will refuse their application and you may lose your sponsor licence (or licences).
- GA4.10. For further information on the ATAS requirement, and your responsibilities in relation to it, see 'ATAS requirement' in section S7 of <u>Part 2: Sponsor a</u> worker.

Former officially-sponsored students

GA4.11. If the worker has, in the 12 months before the date of application, received an award from a Government or international scholarship agency covering both fees and maintenance, they must provide written consent to their application from that Government or agency. If they do not, we will reject their application as invalid.

Parental consent requirement

- GA4.12. There is no minimum age requirement for this route but if the worker you wish to sponsor is aged under 18 on the date of application, they must have written consent from:
 - both of their parents
 - one of their parents, if that parent has sole responsibility for the applicant; or
 - their legal guardian

- GA4.13. The written consent must confirm support for all of the following:
 - the application for entry clearance or permission to enter or stay
 - the applicant's living and care arrangements in the UK
 - if the application is for entry clearance, the applicant's travel to, and reception arrangements in, the UK
- GA4.14. As the sponsor, you must have regard to your duty to safeguarding children if you are sponsoring any workers aged under 18 see 'Safeguarding children' in section L2 of <u>Part 1: Apply for a licence</u> for further information.

Entry requirement

GA4.15. Workers must apply for entry clearance (a visa) to be able to come to the UK on this route. If they arrive in the UK without the relevant visa, they will be refused entry, even if they otherwise meet the requirements.

Extension of permission

GA4.16. Workers already in the UK with permission on the GAE route can apply to extend their stay, up to the <u>maximum period permitted by their scheme</u>, if they meet the relevant requirements – this could be to continue in the same employment or to change employer or employment. See section S9 of <u>Part 2: Sponsor a worker</u> for further information.

'Switching' to the GAE route

- GA4.17. People in the UK on another immigration route are not generally permitted to 'switch' (change route) to the GAE route from within the UK. If you wish to sponsor a worker on the GAE route but they are in the UK on another immigration route, they must normally leave the UK and apply for entry clearance.
- GA4.18. The only exception to this is where the person was last granted permission as a Student (formerly Tier 4), they have completed a recognised bachelor's or postgraduate degree and are being sponsored to undertake either:
 - a period of postgraduate professional training or work experience necessary to obtain a professional qualification or professional registration in the same professional field as that qualification
 - an internship for up to 12 months which directly relates to the qualification

provided, in both cases, they will not be filling a permanent vacancy and their employer does not intend to employ the worker in the UK once the training or work experience has ended.

How long GAE workers can stay

- GA4.19. If the application is for entry clearance, entry clearance will be granted for the period of sponsorship specified in the CoS or approved sponsorship submission plus up to 14 days before and 14 days after that period.
- GA4.20. If the application is for permission to stay, permission will be granted for whichever is the shortest of the following periods:
 - the period of sponsorship specified in the CoS or approved sponsorship submission plus 14 days after that period
 - if the applicant is applying to continue to participate in the same GAE scheme as in their last grant of permission, a period of 14 days plus the difference between the maximum period a person is permitted to spend in the UK on that specific scheme and the period that they have already been granted permission to participate in that scheme
 - the difference between 25 months and the total period the applicant has already held continuous permission on the GAE route (including any period where any of the exceptions in <u>paragraph 39E of the</u> <u>Immigration Rules</u> applied)

Further information

- GA4.21. You can find more information in the <u>Government Authorised Exchange</u> <u>visa</u> section of the GOV.UK website.
- GA4.22. You should also refer to sections S7 to S9 of <u>Part 2: Sponsor a worker</u> for further information on immigration requirements, conditions of stay, extension applications and change of employment applications.

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GA5. Certificate of Sponsorship for GAE workers

This section tells you how to assign a valid Certificate of Sponsorship (CoS) on the Government Authorised Exchange (GAE) route.

There is a different way to sponsor GAE workers if you are a 'PB1 sponsor' taking part in the initial roll-out phase of the new sponsorship service (Sponsor UK). See Annex GA1 for details.

Overview

- GA5.1. If you have followed all the rules in this guidance and you wish to sponsor a worker on the GAE route, you must assign them a valid CoS, using your <u>sponsorship management system (SMS)</u> account.
- GA5.2. Before assigning a CoS, you should satisfy yourself that the worker can meet the relevant <u>immigration requirements</u>.
- GA5.3. You must only assign a CoS to a worker if you are authorised to sponsor individuals in the role specified on the CoS and on the particular scheme the worker is applying to take part in, as set out in <u>Appendix Government</u> <u>Authorised Exchange schemes</u>. We will refuse any application for entry clearance or permission if you assign a CoS for scheme for which you are not authorised. We will also normally revoke your licence.
- GA5.4. You cannot assign a CoS if you're a B-rated sponsor, unless the worker is applying for permission to stay from within the UK and you sponsored the application which led to their last grant of permission on the GAE route. In all other cases, you must have an A-rating. For information on sponsor ratings, see section L8 of Part 1: Apply for a licence.
- GA5.5. For detailed information on what a CoS is, and how many you can assign, see section S2 of Part 2: Sponsor a worker.
- GA5.6. You can find detailed technical guidance on how to assign a CoS on GOV.UK: <u>User manuals: sponsorship management system (SMS)</u> see in particular manual 8.

Fees

GA5.7. You must pay a fee for each CoS you assign – see the <u>UK visa fees</u> page on GOV.UK for information on current fee levels.

Use of the CoS

GA5.8. Once you have assigned a CoS, the worker must use it within 3 months to apply for:

- entry clearance (a visa) if they are outside the UK
- permission to stay if they are in the UK and eligible to extend their permission on, or switch to, the GAE route
- GA5.9. If the CoS was assigned more than 3 months before the date of application, we may reject the worker's application and not consider it.
- GA5.10. The worker must not apply for entry clearance or permission to stay more than 3 months before the start date recorded on their CoS. If they do, we will refuse their application.
- GA5.11. We will also refuse the application if the CoS:
 - has been withdrawn by you or cancelled by the Home Office see section S6 of <u>Part 2: Sponsor a worker</u> for information on when a CoS can be withdrawn or cancelled
 - was used in a previous application that was refused

What the CoS must confirm

- GA5.12. For a CoS to be valid, it must meet the requirements of paragraphs GAE 5.1 and GAE 5.4 of <u>Appendix Temporary Work Government Authorised</u> <u>Exchange</u> to the Immigration Rules.
- GA5.13. By assigning a CoS on the GAE route, you guarantee that the worker will:
 - be doing work, job-shadowing or training that's <u>eligible for the GAE</u> route
 - not undertake work, job-shadowing or training that has not been endorsed by your sponsoring government department or approved by the Home Office
 - not take part in work, job-shadowing or training for a period longer than permitted under the <u>relevant scheme</u>
- GA5.14. You also guarantee, to the best of your knowledge, that the worker will:
 - not establish a business in the UK
 - comply with the conditions of their entry clearance or permission to stay – see section S8 of <u>Part 2: Sponsor a worker</u> for further information
 - leave the UK when their entry clearance or permission to stay expires, unless they qualify for an extension of stay or permission on another route
- GA5.15. The CoS must confirm all of the following:
 - that you are sponsoring the worker on the GAE route
 - the worker's personal information (such as name, date of birth, nationality) passport details and contact details

- the start and end date of their employment see <u>'How long you can</u> assign a CoS to a GAE worker' below
- total weekly hours of work
- where the worker will carry out their employment this should include their main work address and any other regular work addresses, if relevant
- whether you used an agent (such as a recruitment agency, employment business or other intermediary) to find the worker and, if so, details of that agent
- the job title
- the relevant SOC 2020 occupation code for the role (select from the drop-down list under 'Job type') – see section S3 of <u>Part 2: Sponsor a</u> worker for further information on occupation codes
- the main duties of the role for which the worker is being sponsored
- a full explanation of how the role is supernumerary
- details of the worker's salary, including any guaranteed allowances and bonuses
- that the role is in an eligible occupation code listed in Table 1, 2 or 3 of <u>Appendix Skilled Occupations</u>
- whether you wish to <u>certify maintenance</u> for the worker (and, if relevant, their dependants) – you can only do this if you're an A-rated sponsor
- whether the worker <u>needs an ATAS certificate</u>

How long you can assign a CoS to a GAE worker

- GA5.16. You can only assign a CoS up to the maximum period that a person is permitted to spend in the UK under the terms of the specific scheme on which the worker has applied to participate in, as set out in <u>Appendix</u> <u>Government Authorised Exchange schemes</u>. If you are sponsoring a worker in an application for permission to stay, you should check carefully how long they have been in the UK on the GAE route or on a particular GAE scheme.
- GA5.17. If you assign a CoS for a period longer than the maximum period for the specific scheme, and this is used in a successful application for entry clearance or permission to stay, we will normally revoke your sponsor licence. We will also speak to your endorsing government department and ask them if they wish to continue endorsing your scheme.
- GA5.18. For further information on entering start and end dates, see section S3 in <u>Part 2: Sponsor a worker</u>.

Reporting duties and record keeping

GA5.19. Once you have assigned a CoS to a worker, you must tell us if they fail to start their employment, are absent without permission, or there are any significant changes to the nature of their work or salary, or to your organisation. For full details of your reporting and other duties, see <u>Part 3:</u> <u>Sponsor duties and compliance</u>.

- GA5.20. You must also keep records for each worker you sponsor as specified in <u>Appendix D</u> to the sponsor guidance.
- GA5.21. If you fail to meet these duties, we may revoke your sponsor licence.
- GA5.22. You are responsible for all of the workers you sponsor under the scheme. It is important that you work closely with other bodies or organisations where your sponsored worker are placed. If you do not have enough control over your scheme – for example, if workers are not doing the work you said they would – we will take action against you. This may include revoking your sponsor licence.

Contents

Annex GA1. New sponsorship service: guidance for participating sponsors

This annex is for Government Authorised Exchange (GAE) sponsors taking part in the initial roll-out phase of the new sponsorship service ('Sponsor UK'). It provides guidance for participating sponsors ('PB1 sponsors') on how to sponsor workers using the new service.

There is a glossary of terms used in this annex in Annex GA2.

If you have not been invited to participate in the initial roll-out phase (and had your participation confirmed), you must continue to sponsor workers by assigning them a Certificate of Sponsorship and managing their sponsorship in your Sponsorship Management System account.

1. About Sponsor UK

Sponsor UK is a new service that will eventually replace the existing Sponsorship Management System (SMS) and allow users to sponsor workers and students. It is part of a wider transformation of Home Office sponsorship IT. The intention is to make the process of sponsoring workers and students quicker, easier and more intuitive for users and to ensure compliance with the sponsorship system.

We are introducing Sponsor UK in a series of 'private beta' (PB) phases. The initial phase ('PB1') is for selected GAE sponsors ('PB1 sponsors') who have been invited to take part and whose participation has been confirmed.

Participating sponsors will be able to start using the new service from 24 October 2024. Before that date you should have received a 'launch pack' with instructions on how to access and start using the new service, answers to some questions you may have, and how to get help if you have any difficulties using the new service.

Sponsor UK currently has limited functionality. During PB1, you will be able do the following tasks using this service:

- sponsor new workers on the GAE route
- extend sponsorship of your existing GAE workers
- view the progress of 'sponsorship submissions' (requests to sponsor GAE workers) you have made
- view the status of GAE workers you're currently sponsoring
- tell us about any changes of circumstances of GAE workers you're currently sponsoring
- view information about your organisation and your licence

For any other sponsorship function (such as sponsoring workers on other routes you may be licensed for, or reporting changes to your organisation) you must continue to use your existing SMS account.

1.1. How you sponsor workers in Sponsor UK: overview

You will no longer have an annual allocation of Certificates of Sponsorship (CoS) for the GAE route or assign CoS to GAE workers you wish to sponsor.

Instead, each time you wish to sponsor a GAE worker, you will complete and submit a 'sponsor form' in Sponsor UK, where you give details of the worker you wish to sponsor and the role you wish to sponsor them for. We refer to this process in this guidance as making a 'sponsorship submission' (or simply a 'submission').

There are two types of sponsorship submission:

- <u>Sponsor a Worker</u>: this is where you wish to sponsor someone new to your organisation, or someone you've previously sponsored but aren't currently sponsoring
- <u>Extend sponsorship (or an 'extension submission')</u>: this is where you wish to extend the period of sponsorship of a worker you're currently sponsoring

Your submission must be approved and paid for before the worker can apply for their visa (entry clearance or permission to stay).

The process of sponsoring a worker in Sponsor UK is summarised below:

1. You make a sponsorship submission for the worker you wish to sponsor.

2. Your submission is reviewed by UKVI and will be either approved or rejected.

3. If your submission is approved, you will be asked to pay a sponsorship fee. You have 90 days to pay this. If your submission is rejected, you will not be asked to pay a fee and you will be unable to sponsor the worker.

4. Once your payment has been accepted, you will be given a sponsorship reference number, which the worker will need to apply for their visa.

5. You 'invite' the worker to apply for their visa by sending them an email containing their sponsorship reference number. The worker must apply within 90 days of the date you received the sponsorship reference number.

6. The worker applies for their visa and pays the relevant visa fees and Immigration Health Charge.

7. You and the worker will be informed of the outcome of the visa application. If the worker's application is granted, they can start working for you (after you've carried out a right to work check) as soon as their permission is valid. If the worker's application is refused, you will be unable to continue sponsoring them.

You must make a separate sponsorship submission for each GAE worker you wish to sponsor. You can only make a submission if you have identified a named individual you wish to sponsor for a specific role – you cannot make a 'speculative' submission for a role that you may wish to fill in the future, but for which you have

not yet identified a worker, or a submission for a worker where there is no defined role for them.

1.2. Managing sponsorship of your workers in Sponsor UK

You will use your Sponsor UK account to manage sponsorship of your GAE workers. This includes:

- editing or withdrawing sponsorship submissions you have made
- reporting changes of circumstances for sponsored workers for example, updating their work start date or role details, or reporting a period of unpaid leave
- making a submission to extend a worker's sponsorship

Details of GAE workers you assigned a CoS to in your SMS account and are still sponsoring will be transferred to your Sponsor UK account if they meet certain conditions (see below), so you can also manage their sponsorship in Sponsor UK.

1.3. Workers sponsored via your SMS account

Details of GAE workers you assigned a CoS to in your SMS account will be transferred to your Sponsor UK account if all of the following conditions are met:

- the CoS you assigned to the worker is marked as 'used'
- the work end date on that CoS is no earlier than 24 October 2024
- the worker was granted entry clearance or permission as a result of that CoS
- the end date of that entry clearance or permission is no earlier than 24 October 2024
- you have not made a 'report migrant activity' notification to end sponsorship of that worker

Details of these workers will appear in your 'currently sponsoring' list in Sponsor UK. A new sponsorship reference number will be allocated to them, replacing their CoS reference number. You will be able to manage their sponsorship in the same way as workers you made a sponsorship submission for in Sponsor UK.

If, on 24 October 2024, you still have any GAE CoS with the status of 'assigned', their details will not be transferred to Sponsor UK unless or until the CoS is marked as 'used' and the worker is granted entry clearance or permission. While the CoS has the status of 'assigned', you will still be able to use your SMS account to:

- make changes to the details on the CoS (by adding a 'sponsor note')
- withdraw the CoS if you decide you no longer wish to sponsor the worker

If you have any GAE CoS with the status of 'work in progress' or 'ready to go', you will be unable to assign these. If you still wish to sponsor the worker, you will need to make a sponsorship submission for them in Sponsor UK. You will no longer be able to create or assign CoS for GAE workers.

1.4. How much it costs

For information on current visa and sponsorship fee levels, see <u>UK visa fees</u> on GOV.UK.

You must pay a fee for each successful (approved) sponsorship submission you make. The fee is the same as the one for assigning a Temporary Worker CoS.

You will not be asked to pay a fee if your submission is rejected.

The worker (and any dependants, if relevant) will need to pay a fee for their visa application and the <u>Immigration Health Charge</u>.

1.5. How long it takes

In future, submissions meeting certain conditions will be automatically approved and you will receive a decision instantly. For an initial period, however, all sponsorship submissions will be reviewed by a UKVI caseworker. This is to ensure the new service is thoroughly tested, for both functionality and usability. During this period, you will be informed of the decision as soon as possible.

If your submission is approved, you should receive a request for payment within 5 working days. When automated approvals are introduced, you should receive a request for payment almost instantly.

Once your submission has been approved and paid for, a sponsorship reference number will be generated, which you must give to the worker so they can start their visa application. The worker should normally receive a decision on their application within:

- 3 weeks if they're applying for entry clearance (from outside the UK)
- 8 weeks if they're applying for permission to stay (from within the UK)

The worker may be able to get a faster decision if they pay an additional fee. It may take longer to get a decision if the case is complex.

For further information, see <u>Visa processing times</u> on GOV.UK.

1.6. Who can access Sponsor UK

Only a registered Sponsor UK account 'user' can perform tasks in the new service. Sponsor UK account users are broadly similar to Level 1 and 2 Users in your existing SMS account, but with some important differences, as set out below.

For PB1, the following 'Key Personnel' on your licence have been invited to register as Sponsor UK users, provided they work for your organisation:

- Level 1 Users
- Key Contact
- Authorising Officer

Level 2 users in SMS have not been invited to register as Sponsor UK account users.

Sponsor UK account users will be able to perform the following tasks during PB1:

- make, edit or withdraw a sponsorship submission
- pay for a sponsorship submission
- report worker change of circumstances
- upload evidence
- view role details
- view recent activity on your licence
- view your organisation and licence details

For any other tasks, you must continue to use your SMS account. For guidance on reporting changes to your organisation, see section C2 of <u>Part 3: Sponsor duties and compliance</u>.

If you wish to add or remove any account users, or edit their details, you must also contact UKVI – see the Sponsor UK launch pack for guidance on how to do this.

Your Sponsor UK account users must continue to meet the general suitability and eligibility requirements for Key Personnel, as set out in section L4 of <u>Part 1: Apply for a licence</u>.

1.7. Your responsibilities as a PB1 sponsor

You must continue to meet your standard sponsorship duties and the general conditions for sponsoring workers while you are using Sponsor UK – the only difference is the service you use to sponsor workers and manage their sponsorship. For further information, see:

- Part 2: Sponsor a worker
- Part 3: Sponsor duties and compliance
- <u>Appendix D: record-keeping duties</u>

You should note that any reference to Certificates of Sponsorship in these documents should (unless the contrary intention appears) be read to include a reference to making a sponsorship submission in Sponsor UK.

By completing a sponsorship submission, you confirm that you:

- wish to sponsor the named worker for the specified role
- are satisfied the worker can meet the relevant immigration requirements for the GAE route (see section GA4)
- are eligible to sponsor the worker on the relevant route and scheme
- agree to abide by the terms and conditions as stated in the declaration at the end of the sponsor form

You guarantee that the worker will:

- be doing work, job-shadowing or training that's eligible for the GAE route (see section GA3)
- not undertake work, job-shadowing or training that has not been endorsed by your sponsoring government department or approved by the Home Office
- not take part in work, job-shadowing or training for a period longer than permitted under the relevant scheme

You also guarantee, to the best of your knowledge, that the worker will:

- not establish a business in the UK
- comply with the conditions of their entry clearance or permission to stay see section S8 of <u>Part 2: Sponsor a worker</u> for further information on conditions of stay
- leave the UK when their entry clearance or permission to stay expires, unless they qualify for an extension of stay on the GAE route or permission on another route

2. How to make a Sponsor a Worker submission

You must make a Sponsor a Worker submission if you wish to sponsor a GAE worker in any of the following circumstances:

- the worker hasn't previously been sponsored by you
- the worker has previously been sponsored by you but you aren't currently sponsoring them
- the worker is currently being sponsored by you on one GAE scheme but you now wish to sponsor them on another GAE scheme you're authorised for

If you're already sponsoring the worker and wish to extend their period of sponsorship to continue on the same scheme, you must <u>make an extension</u> <u>submission</u> for them instead.

To start a Sponsor a Worker submission, simply click on 'Sponsor a Worker' from your organisational home page.

Before you start completing your Sponsor a Worker form, you will be asked to confirm:

- the licence under which you wish to sponsor the worker if you have more than one licence make sure you choose the correct one
- the visa route the sponsored worker will be applying on for PB1, this will always be Government Authorised Exchange (GAE)
- the specific GAE scheme you wish to sponsor the worker on you will be shown only the schemes you are authorised for; if you're authorised for more than one scheme, you must ensure you choose the correct one

You will then be ready to complete the form. You will give details under the following main headings – see the relevant sub-headings below for detailed guidance on the information you must include:

- Role details
- Worker details
- Salary and financial maintenance
- Work address details

You will then complete the declaration and submit your sponsor form for review.

2.1. Role details

You must give all of the following information:

- confirmation the role is supernumerary (additional to your normal staffing needs) – see <u>section GA3</u> for further information on this requirement
- the job title of the role the worker will be doing
- job description, including how the role is supernumerary (maximum 1000 characters)
- the SOC 2020 occupation code for the role
- whether you used an agent or a recruiter (such as an employment agency, employment business or other third-party recruiter) to help you find the worker and, if so, details of that agent or recruiter

The job must be in an occupation code listed in Table 1, 2 or 3 of <u>Appendix Skilled</u> <u>Occupations</u>. Only eligible occupations are available to be selected in the sponsor form. If the occupation code is not available to be selected, it is not eligible to be sponsored on the GAE route.

You must ensure you choose the correct occupation code. If you are not sure which code to use, you should refer to the <u>Computer Assisted Structured Coding Tool</u> (<u>CASCOT</u>) developed by the University of Warwick for guidance. See section S3 of <u>Part 2: Sponsor a worker</u> for more information on occupation codes.

2.2. Worker details

You must first confirm if you (the user making the submission) are a close relative or partner of the worker. If you are, you cannot continue with the submission and you will need to log out. Another user within your organisation can make the submission if they are not also a close relative or partner of the worker. See Annex C1(o) of <u>Part</u> <u>3: Sponsor duties and compliance</u> for a definition of 'close relative or partner'.

If we later find that a user has made a submission for a worker who is a close relative or partner of theirs, we will normally revoke your sponsor licence.

You must then provide all of the following details about the worker:

• their full name, date of birth, nationality and passport details

- whether they are currently in the UK if they are in the UK, you must also give details of their current or most recent immigration permission
- whether you have previously sponsored the same worker on the GAE route
- the start and end dates of the role you wish to sponsor them for you must ensure these do not exceed the <u>maximum period you can sponsor a GAE</u> worker for

2.2.1. Additional questions you may be asked

In some cases, you will be asked to confirm whether the worker needs an Academic Technology Approval Scheme (ATAS) certificate for the role. You will only be shown these questions if the worker is being sponsored in a 'relevant occupation code' and is not an 'exempt national'. See 'ATAS requirement' in section S7 of <u>Part 2: Sponsor</u> <u>a worker</u> for further details on this requirement.

If the worker is aged under 18, you must also confirm if you have suitable safeguarding arrangements in place for them. See section L2 of <u>Part 1: Apply for a</u> <u>licence</u> for information on this requirement.

2.3. Salary and financial maintenance

You must give all of the following information:

- whether you or another institution will be paying the worker a salary
- how much the worker will be paid (you can specify either a monthly or an annual amount)
- how many hours the worker will work each week on average
- whether the worker will receive any non-salaried payments from another institution (such as grants, scholarships or bursaries) and, if so, details of these
- whether you will be providing any accommodation for the worker (see <u>National Minimum Wage and Living Wage: accommodation</u> on GOV.UK for guidance on how this may affect calculation of National Minimum Wage)
- whether you will be certifying financial maintenance for the worker (and their dependants, if applicable) see 'Financial requirement ' in section S7 of <u>Part</u>
 <u>2: Sponsor a worker</u> for more information on this

Sponsor UK will calculate whether the salary details you have entered meet National Minimum Wage (NMW) requirements. If the worker's salary appears to be below NMW, you must confirm if an exemption in the NMW Regulations applies and provide an explanation.

You will also be asked to give additional information if either:

- the worker is aged under 18 and is being sponsored to work more than 40 hours per week
- the worker is aged 18 or over and is being sponsored to work more than 48 hours per week (for example, if they have signed an 'opt-out' to the maximum 48-hour week)

For further information on compliance with National Minimum Wage and the Working Time Regulations, see section S4 of <u>Part 2: Sponsor a worker</u>.

2.4. Work address details

You must give the following details:

- the main business address where the worker will carry out their role
- whether the role is a 'hybrid working' role see section C1 of <u>Part 3: Sponsor</u> <u>duties and compliance</u> for a definition of this term
- any other addresses where they will regularly work

You must give at least one main business address for the worker, even if they will work mainly from home or from another remote site.

3. How to extend sponsorship of a GAE worker

If you are already sponsoring a GAE worker whose permission is due to come to an end and you wish to extend their period of sponsorship, you must make an 'extension submission' for them.

The process is similar to making a Sponsor a Worker submission but the form is usually quicker to complete, because the form will be pre-populated with information you've given in a previous approved submission.

You can normally only make an extension submission if both of the following conditions are met:

- the worker appears in your 'currently sponsoring' list
- you wish to continue sponsoring the worker on the same GAE scheme as in their last grant of permission

If you are licensed for more than one GAE scheme and you wish to sponsor the worker on a different scheme, you cannot make an extension submission for them – you must make a new Sponsor a Worker submission instead.

You may exceptionally be able to extend sponsorship of a worker you were previously sponsoring whose permission has recently expired (see 3.1 below).

You should not normally make an extension submission more than 3 months before the worker's current permission is due to expire. If you do, you will need to explain why in your submission.

To make an extension submission:

- 1. Go to your 'currently sponsoring' list.
- 2. Select the worker whose sponsorship you wish to extend.
- 3. Select 'Extend sponsorship'.
- 4. Complete the form and declaration and then submit.

Before giving details of the extension, you must confirm you (the person making the submission) are not a close relative or partner of the worker. See 'Worker details' in 'How to make a Sponsor a Worker submission' above for further information on this requirement.

You must then enter the new sponsorship end date. You should ensure this does not exceed the maximum period permitted on the GAE route (see 4 below).

The following details from when you last made an approved sponsorship submission for the worker (or assigned a CoS to them) will be displayed:

- role details
- worker details
- salary and financial maintenance details
- work address details

You should carefully review these details. If nothing has changed, you can simply confirm the details are still correct, complete the declaration and submit your form. If any details have changed, update them as necessary before completing the declaration and submitting your form. Your submission will then be reviewed.

You must satisfy yourself the details (including any amendments you make to them) continue to meet the requirements of the GAE route. See under the relevant headings in 'How to make a Sponsor a Worker submission' for further guidance.

You cannot amend the worker's date of birth when making an extension submission – if you need to change this for any reason, you will need to make a new Sponsor a Worker submission for them.

3.1. If the worker does not have current permission

When a worker's entry clearance or permission expires, they are moved to your 'previously sponsored' list. You can make an extension submission for the worker provided both of the following conditions are met:

- their permission expired no more than 14 days ago
- the 'Extend sponsorship' link is still available when you select the relevant worker

If these conditions are not met, you can make a Sponsor a Worker submission for them instead.

You should be aware that if you sponsor a worker who is in the UK without valid permission, their application is likely to be refused if they do not meet one of the exception reasons in paragraph 39E of the Immigration Rules.

You should also be aware that the worker will not have any right to work if they are in the UK without permission. You must therefore not continue to employ, or allow one of your host employers to employ, the worker unless or until they have been granted the relevant permission. If you do, you (or the host employer) could be liable for a

civil penalty for employing an illegal worker. If this happens, we will normally revoke your sponsor licence.

4. How long you can sponsor a GAE worker

When you make a sponsorship submission, you must ensure the period covered by the start and end dates in your submission do not exceed either:

- the maximum period permitted under the terms of the specific GAE scheme on which the worker is being sponsored (as set out in <u>Appendix Government</u> <u>Authorised Exchange schemes</u>) – if applying for permission to stay, this incudes time already spent in the UK on that scheme
- a period that would result in the worker spending a continuous period of more than 25 months in the UK on the GAE route

For example:

- if a worker who will be applying for permission to stay is being sponsored on a scheme with a maximum grant period of 24 months, and they have already spent 12 months in the UK on that scheme, 12 months is the maximum additional period they can be sponsored for on the same scheme
- if a worker who will be applying for permission to stay is being sponsored on a different scheme to the one in their last grant of permission, and they were originally granted permission for 18 months, 7 months is the maximum period they can be granted

See '<u>How long GAE workers can stay</u>' (section GA4) for further information on grant periods.

If you are sponsoring a worker who intends to make an application for permission to stay (from within the UK), you should check carefully how long they have been in the UK on the GAE route or on a particular GAE scheme before you make a sponsorship submission for them.

If you attempt to sponsor a GAE worker for a period longer than the maximum period for the specific scheme, and this is used in a successful application for entry clearance or permission to stay, we will normally revoke your sponsor licence. We will also speak to your endorsing government department and ask them if they wish to continue endorsing your scheme.

5. Submitting your sponsor form

Before you submit your form, you should check your answers to ensure they are accurate. Once you are satisfied you have completed the form correctly, you must read the declaration and confirm you agree with the terms and conditions of making a sponsorship submission. You can then submit your form.

Once you've submitted your form you will be given a tracking number. You should tell us this number if you have a query about a submission that you haven't yet paid

for. You will be able to view the worker, and the progress of your submission, in your 'in progress workers' list.

Your submission will be reviewed, as set out below (section 6). You cannot edit your submission while it's being reviewed but you can withdraw it if you need to make any changes or no longer wish to sponsor the worker.

If you're unable to complete your form in one session, you can save it and return to it later. You will find it under 'Saved forms' (if it's a Sponsor a Worker submission) or 'Extend sponsorship' (if it's an extension submission). You must complete and submit your form within 70 days of the date you last saved it, otherwise your form will be deleted and no record of it will be retained.

If, before you submit your form, you decide you no longer wish to sponsor the worker, you can simply delete the form and no record of it will be retained.

6. How your submission is reviewed

Your submission will be reviewed by a UKVI caseworker, and will be either approved or rejected. The caseworker may ask you to submit further information or documents. There is a function within Sponsor UK to allow you to upload documents if necessary. You must submit any information or documents within the time limit specified by the caseworker. If you do not, your submission is likely to be rejected.

You cannot amend any of the details of your submission while it is being reviewed. If you need to make any changes during this period, you can either:

- wait until your submission has been approved and paid for, and then edit it (see section 7)
- withdraw your submission and make a new one (see section 8)

6.1. Reasons we will or may reject your submission

We will reject your submission in any of the following circumstances:

- you are not authorised to sponsor the worker on the specific GAE scheme named in your submission
- the role is not eligible to be sponsored on the specific GAE scheme named in your submission
- we are not satisfied the role is supernumerary
- we have reasonable grounds to believe you have chosen an inappropriate occupation code for the role
- the worker has already spent (or would spend if they were granted further permission) the maximum period they are permitted to spend in the UK under the terms of the specific GAE scheme or on the GAE route
- we have reasonable grounds to believe the role does not comply with UK employment law (for example, National Minimum Wage or the Working Time Regulations)
- we have reasonable grounds to believe you have provided false or misleading information in your submission

• the role (or the worker) otherwise does not meet the requirements of the GAE route

We may reject your submission in any of the following circumstances:

- you are asked to provide additional information or evidence to support your submission and you fail to provide it by the deadline given by UKVI
- we do not consider your need to sponsor the worker to be credible, based on your circumstances (for example, the type and size of your organisation)
- we are not satisfied you will be able to offer guaranteed work to the worker by the start date stated in your submission (or in any amendment to that submission)
- the submission is substantially or materially the same as one we have previously rejected
- you have a history of non-compliance with the sponsorship arrangements

If your submission is rejected, you will be unable to sponsor the worker and they will be unable to make a valid visa application. You can make a new submission for the worker but you must ensure you address the reasons for rejection in your new submission.

If we reject your submission, or if you persistently make submissions which are rejected, we may consider taking compliance action against you. See section C7 of <u>Part 3: Sponsor duties and compliance</u> for guidance on when and how we make compliance checks, and the action we may take.

6.2. If your submission is approved

If your submission is approved, UKVI will contact you for payment. You must pay the fee within 90 days of the date we request payment. If you do not, your submission will expire and the worker will be unable to make a valid visa application.

Once your payment is accepted, you will receive an email asking you to 'invite' the worker to apply for their visa (entry clearance or permission to stay). The email will include a sponsorship reference number. You must give the worker this reference number so they can make their application. This reference number expires within 90 days, so you should give them the reference number promptly.

You must also give the worker information about the role you are sponsoring them for to help them complete their visa application. You must keep a record of the information you have given to the worker, as part of your record-keeping duties. There is no prescribed format for recording this information but you may find it easiest to save or print a screenshot of the role and worker details from your sponsorship submission.

Your <u>sponsorship responsibility for the individual worker</u> begins as soon as you receive their sponsorship reference number.

An approved sponsorship submission does not guarantee the worker's application will be granted – UKVI will consider their application against the relevant Immigration Rules.

7. How to edit (amend) an approved sponsorship submission

You can edit an approved sponsorship submission if you've made a mistake or if there has been a change of circumstances (for example, if the work start date has been delayed).

You can only edit your submission if both of the following are true:

- you have paid the sponsorship fee and received a sponsorship reference number for the worker
- the worker has not yet submitted their visa application (or their application was rejected as invalid or withdrawn and they have not yet resubmitted it)

During this period, you can edit all details, except:

- licence details
- visa route
- name of GAE scheme

If you wish to change any of these details, you will need to withdraw your submission and make (and pay for) a new one. Your original fee will not be refunded.

To edit your submission:

- 1. Go to 'in progress workers'.
- 2. Select the relevant worker.
- 3. Select 'Edit sponsor form'.
- 4. Make the relevant changes and submit them.

Your changes will be reviewed in the same way as your original submission and will be either approved or rejected. If your changes are rejected, you will be unable to continue sponsoring the worker. Your fee will not be refunded.

You should tell the worker not to proceed with their visa application while your changes are under review. If they do, and the changes you've submitted are rejected, we are likely to reject or refuse their application. If we refuse their application, they will not receive a refund of their application fee.

You cannot edit your submission if either:

- you have not been issued with a sponsorship reference number for the worker
- the worker has already submitted their visa application and is awaiting a decision on that application

In these circumstances, if you wish to change anything you will need to withdraw your submission and make (and pay for) a new one. Your original fee will not be refunded.

8. How to withdraw a sponsorship submission

You can withdraw your submission if either:

- you no longer wish to sponsor the worker
- you wish to amend some of the details but are unable to use the 'Edit sponsor form' function

You can withdraw your submission during the following period:

- after you've submitted your sponsor form (this could be before or after you've paid for your submission)
- until immediately before the worker's visa application has been decided

If you wish to withdraw sponsorship after the worker has been granted permission, you must <u>tell us sponsorship is ending</u> instead.

To withdraw a submission:

- 1. Go to 'in progress workers'.
- 2. Select the relevant worker.
- 3. Select 'Withdraw sponsor form'.

4. Follow the on-screen instructions and confirm you wish to withdraw your submission.

If you withdraw your submission after you've paid for it, you will not receive a refund. You must also select a reason for withdrawing sponsorship from one of the following options:

- worker has withdrawn from the role
- role assigned in error
- role no longer required
- worker or role details are incorrect (this option is only shown if the worker has already submitted their visa application)
- other (if you choose this option, you can give reasons in a free-text box)

You will not be asked to give a reason if you decide to withdraw your submission before you've paid for it.

You should tell the worker you have withdrawn your sponsorship submission so they do not proceed with their visa application. If they apply after you've withdrawn your submission, we are likely to reject or refuse their application. If we refuse their application, they will not receive a refund of their application fee.

You may not need to withdraw your submission if both of the following apply:

- the worker has already applied for their visa
- you wish to edit role, salary or work address details (for example, if you made an error in your submission or there's been a change of circumstances)

Instead, you can wait until the worker's application has been granted and then <u>report</u> <u>a change of circumstances</u>.

9. How the worker applies for their visa

The worker must make their application for entry clearance or permission to stay before their sponsorship reference number expires, otherwise they will be unable to make a valid application. If you still wish to sponsor a worker whose sponsorship reference number has expired, you will need to make and pay for a new sponsorship submission for them.

A sponsorship reference number expires 90 days after it was issued. If you edit your sponsorship submission, any calendar days during which your changes are being reviewed by UKVI will be excluded from the 90-day expiry period.

The worker must not apply for entry clearance or permission more than 3 months before the start date in the approved sponsorship submission (including any amendment you've made to that start date). If they do, their application is likely to be refused.

The worker must complete the <u>relevant visa application form</u> – the correct form depends on whether they're applying for entry clearance (from outside the UK) or permission to stay (from within the UK). When they complete their form, they must enter the sponsorship reference number you've given them.

If the worker uses the <u>UK immigration: ID check app</u> to prove their identity, the role, salary and work address details you entered in your approved sponsorship submission will appear in their visa application form. This will save the worker time in completing their application, as they will not have to enter information we already have. Currently, only workers with a biometric passport issued by an EU country, Iceland, Liechtenstein, Norway, or Switzerland are eligible to use the ID check app when applying on the GAE route.

If the worker is not eligible, or is unable, to use the UK immigration: ID check app, they will need to enter all of the relevant details. You must therefore ensure you give the worker accurate information about their sponsored role so they can complete their application form correctly.

You can see when the worker has submitted their application by viewing their record in your 'in progress workers' list.

10. The decision on the worker's visa application

The worker's application for entry clearance or permission to stay will be considered against the relevant Immigration Rules. See section GA4 for guidance on the immigration requirements a GAE worker must meet.

You and the worker will be notified of the decision on the application and the decision will be recorded in Sponsor UK.

10.1. Worker's application granted

If the worker's application is granted, they will appear in your 'currently sponsoring' list. You will be able to manage their sponsorship by reporting changes of circumstances or extending their sponsorship. Their record will display the start and end dates of both the period you are sponsoring them for and the period they have been granted permission.

The worker will receive proof of their immigration status. For further information, see 'Decision on an application: proof of immigration status' in section S7 of <u>Part 2:</u> <u>Sponsor a worker</u>.

The worker can begin their sponsored role as soon as their permission becomes valid, even if this is before the start date in the approved sponsorship submission, provided a right to work check has been correctly undertaken. See <u>Right to work</u> <u>checks: an employer's guide</u> for guidance on how to carry out the check.

10.2. Worker's application refused

If the worker's application is refused, they will appear in your 'previously sponsored' list of workers. You will be unable to continue sponsoring the worker unless they make a successful <u>application for an administrative review</u>. You should check with the worker if they intend to apply for such a review.

You must not employ a worker whose application has been refused, unless both of the following are true:

- they were already legally working for you when they made their application
- you've received a 'Positive Verification Notice' from the <u>Home Office</u> <u>Employer Checking Service</u> confirming that the worker has an outstanding administrative review or appeal

If the worker is granted permission as a GAE worker following an administrative review, they will appear in your 'currently sponsoring' list and you can continue sponsoring them.

If the worker's administrative review application is refused, or they do not apply for such a review, you will automatically cease to be their sponsor. If you still wish to sponsor the worker, you will need to make a new Sponsor a Worker submission for them and the worker will need to make a new application for entry clearance or permission (if that submission is approved).

10.3. Other outcomes

If the worker's application is not refused but is rejected as invalid, withdrawn, or declared 'void', you should contact the worker to find out the reasons and if they intend to resubmit their application.

They can resubmit their application using the same sponsorship reference number, provided no more than 90 days have elapsed since the reference number was issued. You can <u>edit the sponsorship submission</u> before the worker resubmits their application if necessary. If more than 90 days have elapsed and you still wish to sponsor them, you will need to make (and pay for) a new sponsorship submission.

11. Your sponsor duties for the worker

Your sponsorship responsibility for each GAE worker you make a sponsorship submission for begins on the date you receive their sponsorship reference number (that is, after the submission has been approved and paid for). Your responsibility continues until any of the following events occurs:

- you withdraw your sponsorship submission before the worker has made their visa application
- an amendment you have made to an approved sponsorship submission is rejected with the result that you can no longer sponsor the worker
- the worker fails to make their visa application before their sponsorship reference number expires
- the worker's visa application is rejected, withdrawn or declared 'void' (unless they validly resubmit their application using the same sponsorship reference number)
- the worker's visa application (and any administrative review of that decision) is refused
- the worker's entry clearance or permission expires
- the worker's entry clearance or permission lapses while they are outside the UK – see 'Leaving and re-entering the UK' in section S7 of <u>Part 2: Sponsor a</u> worker for guidance on when permission lapses
- you tell us you have stopped sponsoring the worker
- your sponsor licence is revoked

During the period you have sponsorship responsibility for the worker, you must report certain changes affecting the worker (as set out in 'How to report a worker's change of circumstances' below).

You must also keep certain records for each worker you sponsor for the period specified in <u>Appendix D to the sponsor guidance</u>.

If you fail to meet these requirements, we may revoke your sponsor licence.

12. How to report a worker's change of circumstances

You must report certain changes of a sponsored worker's circumstances to comply with your sponsor duties. You will use your Sponsor UK account to do this. For details of the changes you must report, see 'Reporting duties' in section C1 of <u>Part 3:</u> <u>Sponsor duties and compliance</u>.

You must report these changes within 10 working days of the relevant event occurring. If you report the change later than this, you must give a reason, and we may consider taking compliance action against you.

To report a change before the worker has been granted entry clearance or permission to stay, see:

- How to edit an approved sponsorship submission
- How to withdraw a sponsorship submission

To report a change of circumstances after the worker has been granted entry clearance or permission:

- 1. Go to your 'currently sponsoring' list.
- 2. Select the relevant worker.
- 3. Choose the relevant option see below.
- 4. Submit the report.

You can report the following changes – there is more information on each option below:

- Update start date
- Update current role details
- Report absence or leave
- Tell us sponsorship is ending

Your report will normally be reviewed by UKVI. If the change means the worker no longer meets the requirements, their permission may be cancelled and you will no longer be able to sponsor them.

12.1. Update start date

Use this option if the work start date is delayed by more than 28 days after whichever is the latest of the following:

- the start date recorded in the approved sponsorship submission for the worker (including any change you have made to that date before the worker's visa application was decided)
- the 'valid from' date on the worker's entry clearance vignette (visa)
- the date the worker is notified of a grant of entry clearance or permission to stay

You must give a reason for the delayed start date. A UKVI caseworker will review this and may cancel the worker's permission if they are not satisfied there is a valid reason for the delay. See paragraphs S3.14 to S3.20 in <u>Part 2: Sponsor a worker</u> for further information on delayed start dates.

You do not need to tell us if you are bringing the worker's start date forward or the start date is delayed by no more than 28 days from one of the above dates.

12.2. Update current role details

Use this option to tell us if any of the following have changed:

- job title or job description
- occupation code
- salary or working hours you only need to tell us if the change results in a reduction of the worker's salary
- work address or hybrid working

You must ensure the role continues to be eligible for sponsorship on the GAE route.

You cannot use this option if the worker will be changing GAE scheme – you will need to make a new Sponsor a Worker submission for them and the worker will need to apply for (and be granted) new permission before they can change scheme.

12.3. Report absence or leave

Use this option to tell us if the worker:

- is, has been, or will be, absent from work without pay or absent on reduced pay for more than 4 weeks in any calendar year – you must tell us the reason for, and period of, absence
- has been absent from their sponsored work for more than 10 consecutive working days without your permission

For further information, see:

- 'Absence without pay or on reduced pay' in section S4 of <u>Part 2: Sponsor a</u> worker
- 'Worker is absent without permission' in section C1 of <u>Part 3: Sponsor duties</u> and compliance

12.4. Tell us sponsorship is ending

Use this option to tell us sponsorship will be ending earlier than the end date recorded in the approved sponsorship submission. This could be because

- you no longer wish to sponsor the worker (for example, if they've resigned or been dismissed, or the role has ended earlier than expected)
- you no longer need to sponsor the worker (for example, if they've been granted a type of immigration permission that does not require sponsorship)

You must:

- tell us the date sponsorship is ending
- select a reason for sponsorship ending and provide any additional information requested by the form

Your sponsorship responsibility for the individual worker will end on the date you specify in your report.

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Annex GA2. Sponsor UK glossary

This annex provides a glossary of terms used in connection with the new sponsorship service (Sponsor UK), as described in Annex GA1.

Approved sponsorship submission

This means a sponsorship submission that has been both:

- approved by UKVI
- paid for by the sponsor

resulting in the issue of a sponsorship reference number.

Extension submission

A sponsorship submission made using the 'Extend sponsorship' form in Sponsor UK. This is when a PB1 sponsor wishes to extend the period of sponsorship of a worker they're currently sponsoring.

PB1 sponsor

A Government Authorised Exchange (GAE) sponsor who has been invited to take part in the initial roll-out phase (PB1) of the new sponsorship service (Sponsor UK) and whose participation has been confirmed.

Sponsor a Worker submission

A sponsorship submission made using the 'Sponsor a Worker' form in Sponsor UK. This is where a PB1 sponsor wishes to sponsor a new worker, or a worker who is not eligible to have an 'extension submission' made for them.

Sponsorship reference number

A unique reference number issued by UKVI to the sponsor as a result of an approved sponsorship submission. The sponsor must give this reference number to the worker they wish to sponsor so that worker can apply for their visa (entry clearance or permission to stay).

For the purposes of a visa application, a sponsorship reference number has the same function as a Certificate of Sponsorship reference number.

Sponsorship submission (or simply 'submission')

A request made by a PB1 sponsor via the Sponsor UK service to sponsor a worker. See also 'Sponsor a Worker submission' and 'Extension submission'.

Sponsor form

Means either the 'Sponsor a Worker' form or the 'Extend sponsorship' form used to make a sponsorship submission.

Sponsor UK (or 'Sponsor UK service')

The new sponsorship service which PB1 sponsors will use to sponsor GAE workers and manage their sponsorship. This service is being rolled out in phases, beginning with a limited number of GAE sponsors (PB1 sponsors).

Visa

For the purposes of Annex GA1, this term is used to refer to both entry clearance and permission to stay.

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