



Home Office

TIER 5
(Temporary
Worker) Version
08/2017

Tier 5 (Temporary Worker) of the Points-Based System – Policy Guidance

This
guidance is
to be used
for applications
made on or
after
29 August 2017

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Introduction

1. This document provides policy guidance on Tier 5 (Temporary Worker) of the Points-Based System. Please note that it reflects policy at the time of publication and is subject to change. For the purpose of these guidance notes, the terms 'we', 'us' and 'our' refer to the Home Office.

It should be read in conjunction with the relevant paragraphs of the Immigration Rules. Separate guidance on Tier 5 (Youth Mobility Scheme) can be found at: www.gov.uk/tier-5-youth-mobility.

2. If you are making an application from outside the United Kingdom for entry clearance, you should go to our website at www.gov.uk/apply-uk-visa, where you can find the forms and more information on how to fill them in.
3. If you are making an application from inside the United Kingdom for an extension of your existing leave or a change of employment in Tier 5 (Temporary Worker), you should use the online Tier 5 (Temporary Worker) application form or its paper equivalent available on our website: www.gov.uk/browse/visas-immigration/work-visas
4. Under Tier 5 (Temporary Worker), you must have both a sponsor and a valid Certificate of Sponsorship before applying.
5. Tier 5 (Temporary Worker) has five sub- categories:
 - Creative and sporting - for people coming to the United Kingdom to work or perform as sports people, entertainers or creative artists for up to 12 months.
 - Charity workers – for people coming to the United Kingdom to do voluntary work and not paid work for a charity.
 - Religious workers – for people coming to the United Kingdom to work as religious workers. Duties may include preaching, pastoral and non pastoral work.
 - Government authorised exchange – for people coming to the United Kingdom through approved schemes that aim to share knowledge, experience and best practice.
 - International agreement – for people coming to the United Kingdom under contract to provide a service that is covered under international law.
6. Applicants in all the Points-Based System categories will be subject to General Grounds for Refusal. This means that even if you qualify under the specific category of the Rules under which you are applying to come here, there may be other reasons (such as your previous immigration history), that may lead to the application being refused. Further information on General Grounds for Refusal is available on our website at www.gov.uk/government/collections/chapter-9-refusal-of-entry-clearance-leave-to-enter-or-remain-immigration-directorate-instructions
7. We will return your passport(s) and other documents by recorded delivery. If you would like them to be returned by Special Delivery, you must provide a prepaid Special Delivery

envelope which is large enough. If your application is successful, your biometric residence permit (BRP) will be sent to you separately by secure delivery.

General guidance for applicants of the Points-Based System (PBS)

Documents we require

8. You must ensure you provide all of the necessary supporting documents at the time you send us the application. We will only accept the documents specified in the Immigration Rules.
9. If you have submitted specified documents in which:
 - some of the documents within a sequence have been omitted (for example, if one page from a bank statement is missing) and the documents marking the beginning and end of that sequence have been provided; or
 - a document is in the wrong format (for example, if a letter is not on letterhead paper as specified); or
 - a document is a copy and not an original document; or
 - a document does not contain all of the specified information;

we may contact you and/or your representative in writing, and request the correct documents. We will only make this request once.

We will not ask for additional documents where:

- you have not provided a specified document at all; or
- requesting the missing or correct document will lead to your application not being granted because it will be refused for other reasons.

You must provide the requested documents at the address specified in the request within 10 working days of the date of the request. Working day means any day other than Saturday or Sunday, a bank holiday, Christmas Day or Good Friday.

If you have submitted a specified document that is:

- in the wrong format; or
- a copy and not an original document; or
- does not contain all the specified information but the necessary information is verifiable from:
 - other documentation submitted with the application;
 - the website of the organisation which issued the document;
 - the website of the appropriate regulatory body,

we may approve your application exceptionally if we are satisfied that the specified documents

are genuine and that you meet all the other requirements. We reserve the right to request the original documents in the correct format and to refuse applications if the specified documents are not provided.

We will not ask for further information where a specified document has not been submitted (for example an English language certificate is missing); or

where we do not anticipate that a correction of minor errors or omissions will lead to an approval because the application will fail for other reasons.

10. Any documentary evidence that you provide must be the original (not a copy) unless we say otherwise.
11. Where a document is not in English or Welsh, the original must be accompanied by a fully certified translation. This translation must include details of the translator's credentials and confirmation that it is an accurate translation of the original document. It must also be dated and include the original signature of the translator.
12. We only need evidence that is directly relevant to your application, as set out in this guidance. We will not consider unrelated evidence when calculating the points score.

Verification and other checks

13. We aim to consider applications quickly. However, we must also be confident that applications meet the requirements of the Immigration Rules, and that the information you provide is a true reflection of your background.
14. We will ask for a variety of verifiable documents to enable us to consider your application.
15. We may want to check the supporting documents you send with your application. Therefore, you must ensure that all the evidence comes from a source that can be clearly identified and that it can be independently confirmed as being genuine.
16. There are two situations in which we will undertake a check:

Verification checks – where we have reasonable doubts that the documents are genuine; or
Other checks – where we carry out further checks, for example where we have doubts about your application or the documents sent with your application but the doubts are not serious enough for us to make a verification check.

Verification checks

17. Where we have **reasonable doubts** that a specified document is genuine, we may want to verify the document with an independent person or government agency.
18. The purpose of these checks is to ensure that the document provided is genuine and accurately reflects statements made in your application. If the document is being used as

evidence to score points, we also want to ensure that it entitles you to score those points.

19. Verification may delay our decision on your application so we will only do it when there are clear reasons for it.

Reasonable doubt

20. There are many reasons why we may doubt that a specified document is genuine and what we consider to be a reasonable doubt will depend on an individual application. However, our judgments will be based on the facts we have.

Outcome of verification check

21. There are three possible outcomes of a verification check:

- **Document confirmed as genuine.**
If we can conclude that the document is genuine, we will consider your application as normal.
- **Document confirmed as false.** If we can conclude that the document is false, we will refuse your application, whether or not the document is essential to the application. If a document is confirmed as false, we will normally refuse your application for more than one reason. For example, if you send us a bank statement to show that you have enough funds available, and we have evidence that the statement is false, we will refuse your application because you do not meet the funds requirement and because you have sent a false document. Where we confirm that a document is false, it will be retained by the Home Office and is likely to jeopardise any future application made by you.
- **Verification check inconclusive.** If we cannot verify that the document is either genuine or false, then we will ignore it as evidence for scoring points. If you have sent other specified documents as evidence for scoring the relevant points, we will consider these as normal. If you have not sent any other documents, we will award no points in that area.

Refusing applications without making verification checks

22. We may refuse your application without making verification checks where we are concerned about a piece of evidence but would in any event refuse the application for other reasons; those reasons will form the basis of the refusal. We will not make verification checks in these circumstances. However, we will always verify passports if we doubt they are genuine.

Other checks

23. We will make other checks where, for example, we have doubts about your application, or the documents sent with it, but these are not serious enough for us to make a verification check.

24. These checks may delay our decision on your application so we will only make them when we have clear reasons to do so.

Extra checks

25. Sometimes we will have suspicions about a document, but they will not be enough to make us doubt that it is genuine. For example, this may be because previous verification checks have found that some supporting evidence is invalid and some is genuine, or where evidence provided contradicts information we already have. In these cases, we may carry out more checks.

Outcome of other checks

26. There are four possible outcomes of these checks:

- **Document confirmed as genuine.** If we can conclude that the document is genuine, we will consider the application as normal.
- **Document confirmed as false.** If we can conclude that the document is false, we will refuse your application, whether or not the document is essential to the application. If a document is confirmed as false, we will normally refuse your application for more than one reason. For example, if you send us a bank statement to show that you have enough funds available, and we have evidence that the statement is false, we will refuse the application because you do not meet the funds requirement and because you have sent a false document. Where we confirm that a document is false, it will be retained by the Home Office and is likely to jeopardise any future application made by you.
- **Check inconclusive.** If we cannot verify that the document is either genuine or false, we will consider your application as if it is the document is genuine.
- **Check gives us cause to have reasonable doubt about the genuineness of a specified document.** If we cannot verify that the document is either genuine or false but as a result of the checks we find other reasons to doubt the genuineness of a particular specified document, we may decide to make a verification check.

Procedure for verification and other checks

27. The procedures for both verification checks and other checks will usually be similar and will vary from case-to-case, but they may involve:

- checking the details or genuineness of documents with employers, the relevant embassy or high commission, other government departments (in the United Kingdom and overseas); and
- checking the accuracy and authenticity of documents with banks, universities, and professional bodies.

Standard procedure

28. We will use a standard form to record the results of our enquiries, to ensure that we record any feedback consistently.
29. If we cannot obtain an immediate answer to enquiries, we will normally wait for up to a maximum of four weeks for the necessary information.
30. Our compliance team may visit your employer before we make a decision on your application.

Genuine Tier 5 (Temporary Worker) Migrant Test

31. On 1 October 2013 the Immigration Rules changed to tackle abuse on this route, while leaving genuine applicants unaffected.

When applying for entry clearance, leave to enter or leave to remain, we must be satisfied that you genuinely intend to undertake, and are capable of undertaking, the role for which the Certificate of Sponsorship was assigned and you will not undertake employment in the UK other than that permitted by the entry clearance, leave to enter or leave to remain, should it be granted.

Where you are applying as a private servant in a diplomatic household, we must in particular be satisfied that you will be paid at least the National Minimum Wage.

In order to assess this, we may:

- request additional information and evidence, and refuse the application if the information or evidence is not provided. Any requested documents must be received by us at the address specified in the request within 28 working days of the date the request is sent, and
- request you attend an interview, and refuse the application if you fail to comply with any such request without providing a reasonable explanation.

In making the above assessment, we will base our decision on the balance of probabilities and may take into account your:

- knowledge of the role;
- relevant experience relative to skills required to do the role;
- knowledge of the Sponsor in the UK;
- explanation of how you were recruited; and
- any other relevant information.

Any information obtained during the course of an interview may be relied on for the further purpose of assessing a sponsor's compliance with their sponsor duties.

Rights of Appeal and Administrative Review

In country applications for leave to remain made before 2 March 2015

32. If your application for leave to remain (permission to stay in the UK) under Tier 5 (Temporary Worker) was made before 2 March 2015 and we refuse it, depending on your appeal rights, you may be able to submit an appeal if you want to challenge the decision. Details on whether and how you can appeal against our decision will be included with the reasons for refusal letter.

Applications for permissions to stay made on or after 2 March 2015

33. If your application for leave to remain under Tier 5 (Temporary Worker) was made on or after 2 March 2015 and we refuse it, you cannot appeal against our decision. You can apply for an administrative review, however, if you think the Home Office has made an error in considering your application. Details of how to make an administrative review application will be included in the decision letter.

Out of country applications

34. If your application for entry clearance is refused under the Points-Based System, you cannot appeal against the decision. You can apply for an administrative review of the decision, however, if you think the Home Office has made an error in considering your application.

Further information on administrative reviews

35. If you want more information about administrative review, this can be found on our website at: www.gov.uk/ask-for-a-visa-administrative-review

Date of application

36. The date of application will be taken to be the following:

For applications made in the UK:

- where the application form is sent by post, the date of posting; or
- where the application form is sent by courier, the date on which it is delivered to the Home Office; or
- where the application form is submitted in person, the date which it is accepted by our premium service centre; or
- where the application is made via the online application process, on the date on which the online application is submitted.

For applications made outside the UK:

- The date of the application is the date that the fee associated with the application is paid. This means the date shown on your payment receipt, which depends on how you paid for your visa application, for example, at a British Diplomatic Post, visa application centre or online.
37. **Applications for leave to remain will fall for refusal if you have overstayed beyond the end of the last period of leave to enter or remain you were granted.** The only exceptions are where your application is made:
- Within 14 days of your previous leave expiring and we consider there is a good reason beyond your/your representative's control, provided in or with the application, why the application could not be made in time; or
 - Within 14 days of:
 - the refusal of the previous application for leave; or
 - the expiry of any leave which has been extended by section 3C of the Immigration Act 1971; or
 - the expiry of the time-limit for making an in-time application for administrative review or appeal (where applicable); or
 - any administrative review or appeal being concluded, withdrawn or abandoned or lapsing.

If there are good reasons beyond your control which prevented you from applying in time you must submit evidence of these with your application. All cases will be decided on their merits.

Sponsorship

The role of the sponsor

38. To apply under Tier 5 (Temporary Worker), you must have a sponsor. A sponsor is a United Kingdom based organisation that you want to work for (for Government Authorised Exchange the sponsor must be an overarching body) in the United Kingdom.
39. In order to sponsor you, an employer will need to have registered as a licensed sponsor. The sponsor will need to meet the requirements for the particular sub-category within Tier 5 (Temporary Worker) and accept certain responsibilities to help with immigration control.
40. Find more information for sponsors on our website at: www.gov.uk/browse/visas-

41. Your sponsor will need to assign a Certificate of Sponsorship before you can apply for leave under Tier 5 (Temporary Worker). The Certificate of Sponsorship will act as an assurance that you are able to undertake a particular job and intend to do so.

The Certificate of Sponsorship

42. The Certificate of Sponsorship is not an actual certificate or paper document but is a virtual document similar to a database record. Each Certificate of Sponsorship has a unique reference number and contains information about the job for which the Certificate of Sponsorship is being issued and your personal details.
43. We will not provide you with your Certificate of Sponsorship reference number as this is the responsibility of your sponsor.
44. The sponsor may also need to provide you with some of the information declared when the Certificate of Sponsorship was assigned. You may need this information to accurately complete the points-based calculator and the application form.

What is a live Certificate of Sponsorship?

45. Within the Sponsor Management System (the system that sponsors use to assign a Certificate of Sponsorship), you can only have one 'live' Certificate of Sponsorship for a given period of leave. A Certificate of Sponsorship is 'live' when a sponsor has assigned it to you, but you have not yet used that Certificate of Sponsorship's reference number to make an application for leave or entry clearance.
46. If you have given your personal details to one prospective sponsor, and that sponsor assigns a Certificate of Sponsorship reference number to you, no other prospective sponsor will be able to assign a Certificate of Sponsorship to you for the same period of leave. It is very important that where possible you only give your personal details (for example passport number) to a prospective sponsor with whom you intend to work.
47. If you do not want to take up the post because you wish to take up an offer of a job from a different sponsor, you must contact the sponsor to withdraw the Certificate of Sponsorship. You must contact the sponsor in writing or by email and give the sponsor five working days to action this request. If the sponsor fails to action this request, you should send a reminder to the sponsor. The sponsor will have a further five working days to action the request. If the sponsor refuses or fails to withdraw the Certificate of Sponsorship within the specified time, you should contact the Sponsor Licensing Unit. The Sponsor Licensing Unit will cancel the Certificate of Sponsorship if necessary after discussions with the sponsor.
48. You can contact the Sponsor Licensing Unit either by: email:
sponsorlicensing@homeoffice.gsi.gov.uk;

Or post:

**Sponsor Licensing Unit
UK Visas and Immigration
Home Office
PO Box 3468
Sheffield S3 8WA**

You must provide the following information when contacting the Sponsor Licensing Unit:

- full name;
- nationality;
- the name of the sponsor you no longer wish to work for;
- the Certificate of Sponsorship reference number you wish to be cancelled;
- the name of the sponsor you wish to work for;
- the reason why you wish the Certificate of Sponsorship to be cancelled;
- the date you first contacted the sponsor to request the Certificate of Sponsorship be cancelled;
- the date you contacted the sponsor again to remind it to cancel the Certificate of Sponsorship.

49. You must also provide the Sponsor Licensing Unit with a copy of any correspondence sent to your sponsor, which must clearly show who the correspondence was addressed to within the sponsoring organisation. You must also provide any correspondence from that sponsor in connection with those requests (for example, acknowledgement email or letter).

50. If you do not want to come to the United Kingdom, you should tell your sponsor that you will not travel and ask the sponsor to withdraw the Certificate of Sponsorship. You do not need to contact the Sponsor Licensing Unit as the Certificate of Sponsorship will automatically expire three months after it was assigned.

A withdrawn/cancelled Certificate of Sponsorship

51. A Certificate of Sponsorship can be withdrawn/cancelled at any time by either us or the sponsor. Where a Certificate of Sponsorship has been withdrawn/cancelled, the same procedures apply to you as where a Certificate of Sponsorship becomes invalid.

What is a valid Certificate of Sponsorship?

52. A valid Certificate of Sponsorship is one that:

- has the same details on it as in your passport; and
- was assigned no more than three months before the date of application; and
- has not been withdrawn/cancelled by either the sponsor, or us; and
- contains the details required by the relevant Immigration Rules.

53. The Certificate of Sponsorship will expire if it is not used for a leave application within three months of it being assigned. If you submit an application using a Certificate of Sponsorship that has expired, your application will be refused. You must get a new Certificate of Sponsorship from your sponsor in such circumstances.

54. The fact that a Certificate of Sponsorship has been issued does not guarantee that you will succeed in obtaining entry clearance, leave to enter, or leave to remain. You must meet all conditions for category and tier.

Sponsorship duties

55. The sponsor has a number of record keeping and reporting duties for you while you are being sponsored by them.

56. Record keeping duties include keeping copies of your passport or United Kingdom immigration status document, and contact details.

57. Reporting duties include:

- if you do not turn up for your first day of work;
- if you are absent from work for more than 10 working days, without the sponsor's reasonably granted permission;
- if your period of engagement (including where you resign or are dismissed) or if any registration you need to work in the United Kingdom (such as with a governing body) is ended;
- if the sponsor stops sponsoring you for any other reason (for example, if you move into an immigration route that does not require a sponsor);
- if there are any significant changes in your circumstances, for example, a change of job or salary (but not job title or annual pay rise);
- if the sponsor has information which suggests that you may be breaching the conditions of

your leave;

- if the sponsor has information which suggests that you may be engaging in terrorism or other criminal activity, it must give the police any information it may have.

58. You must give your sponsor all the information needed for your sponsor to be able to fulfil the above duties.

59. You may wish to report any instances where you believe that the sponsor is not complying with its duties or has provided false information to us about you.

60. You, or any member of the public, can report illegal immigrants and other immigration offences via our website:

www.gov.uk/report-immigration-crime

Alternatively you can contact the Sponsor Licensing Unit either by:

e-mail: sponsorlicensing@homeoffice.gsi.gov.uk;

or post:

Sponsor Licensing Unit
UK Visas and Immigration
Home Office
PO Box 3468
Sheffield
S3 8WA

61. Find a full list of the sponsorship record keeping and reporting duties on our website at:
www.gov.uk/uk-visa-sponsorship-employers

Sponsor's licence

62. There are certain circumstances in which the status of the sponsor's licence may have an effect on you. These are detailed below.

If a sponsor's licence is suspended

63. When a sponsor has its licence suspended, it will not be able to assign any new Certificates of Sponsorship, but this does not immediately affect anyone that it is sponsoring at that time.

64. You can continue to submit applications for leave during the time the sponsor's licence is suspended if your leave is due to expire.

65. If you submit an application for entry clearance or leave to remain while the sponsor's licence is suspended, we will not consider the application. We will hold the application until the

suspension is removed.

66. If you have already been given entry clearance on the basis of a Certificate of Sponsorship assigned by that sponsor but you have not yet travelled to the United Kingdom, you will be allowed to enter and start working for the sponsor. However, we advise you to check the status of your sponsor's licence before you travel and we recommend that you do not travel to the United Kingdom if your sponsor's licence has been suspended.
67. If you have already travelled to the United Kingdom, you will be allowed to enter the United Kingdom and start work for the sponsor.
68. If the sponsor's licence is withdrawn however, the Certificate of Sponsorship will be cancelled and your application will be refused. If the application is made while you are in the United Kingdom, and it is refused, we may curtail your leave:
- to 60 days where you were not complicit in the actions that resulted in the sponsor having its licence withdrawn. If you have less than 60 days of your leave remaining, we will not curtail this leave. You may wish to make a further application for leave during this time; or
 - with immediate effect where we consider you to have been complicit.

If we are thinking about taking action against a sponsor

69. If we notify a sponsor that we are considering taking action against it, which may lead to the withdrawal of its licence, we will not consider any application for entry clearance or leave to remain made by you if that sponsor has assigned a Certificate of Sponsorship. We will hold the application until a decision on the sponsor's licence is made.
70. If we can, we will try to contact you if you were granted entry clearance relying on a Certificate of Sponsorship from a sponsor assigned prior to its licence being suspended before you travel to the United Kingdom. We will advise you not to travel to the United Kingdom until we have made a decision on the sponsor's licence.
71. If you have already travelled to the United Kingdom, you will be allowed to enter the United Kingdom and start work for the sponsor.
72. You can submit applications for leave during this time if your leave is due to expire. If the sponsor's licence is withdrawn, however, the Certificate of Sponsorship will be cancelled and your application will be refused. If your application is made while in the United Kingdom, and it is refused, we may curtail your leave:
- to 60 days where you were not complicit in the actions that resulted in the sponsor having its licence withdrawn. If you have less than 60 days of your leave remaining, we will not curtail this leave. You may wish to make a further application for leave during this time; or
 - with immediate effect where we consider you to have been complicit.

If a sponsor's licence is withdrawn

73. If a sponsor has its licence withdrawn, any Certificate of Sponsorship it has issued will become invalid. This affects you if you have yet to apply for entry clearance, leave to enter, or leave to remain, and if you are already working for the sponsor.
74. We will refuse any application for entry clearance, leave to enter, or leave to remain made by you using an invalid Certificate of Sponsorship.
75. Where you have already been granted entry clearance but have not travelled to the United Kingdom, the entry clearance will be revoked. Where you have already travelled to the United Kingdom, you will not be allowed to enter the United Kingdom.
76. Where you are in the United Kingdom and working for a sponsor when its licence is withdrawn, we may curtail the leave of the applicants being sponsored:
- to 60 days where you were not complicit in the actions that resulted in the sponsor having its licence withdrawn. If you have less than 60 days of your leave remaining, we will not curtail this leave. You may wish to make a further application for leave during this time; or
 - with immediate effect where we consider you to have been complicit.

Sponsor takeover and/or transfer of employment

77. If your sponsor is taken over by another organisation and/or there is a transfer of employment, the new employer must apply to become a licensed sponsor within 28 calendar days of taking over the business.
78. If it does not, we are likely to curtail your leave to 60 days, as you will not be working for a licensed sponsor. If you have less than 60 days of your leave remaining, we will not curtail this leave. You may wish to make a further application for leave during this time.
79. If the new employer does not get a licence, any Certificate of Sponsorship issued by the previous employer will be invalid.
80. Find more information about sponsor takeover and/or transfer of employment in the 'Guidance for sponsor applications Tier 2, Tier 4 and Tier 5 of the Points-Based System' on our website at: www.gov.uk/government/collections/sponsorship-information-for-employers-and-educators.

If a sponsor does not renew its licence

81. If the sponsor does not renew its licence, any Certificates of Sponsorship it has issued will become invalid. We may curtail your leave to 60 days. If you have less than 60 days of your leave remaining, we will not curtail this leave. You may wish to make a further application for leave during this time. We may refuse entry to the United Kingdom to you if you have not yet

travelled.

Termination of employment

82. If your employment ends before your period of leave, we may curtail your leave to 60 days. If you have less than 60 days of your leave remaining, we will not curtail this leave. You may wish to make a further application for leave during this time.

83. Find more information about the sponsor's licence status in the 'Guidance for sponsor applications Tier 2, Tier 4 and Tier 5 of the Points-Based System' on our website at: www.gov.uk/government/collections/sponsorship-information-for-employers-and-educators.

Compliance officer visits

84. Sponsors may get an on-site visit from our compliance officers at any time. The visit may be to check that the sponsor is complying with its duties. When we visit, we may also want to speak to you and other migrant workers the sponsor is employing.

Tier 5 (Temporary Worker) overview of terms and conditions

85. The following tables explain some of the key features of Tier 5 (Temporary Worker). Full details of the requirements are in paragraphs 245ZM to 245ZR of the Immigration Rules.

Periods of grant

<p>For people in the creative and sporting and charity workers categories.</p>	<p>For a maximum period of 12 months, or the time given on the Certificate of Sponsorship plus 14 days after the end date given on the Certificate of Sponsorship and up to 14 days before the start date, whichever is the shorter.</p> <p>Creative workers can also apply for an extension for a maximum of 12 months at a time up to a total of 24 months if they remain with the same sponsor.</p>
<p>For people in the religious workers and international agreement categories.</p>	<p>For a maximum period of 24 months, or the time given on the Certificate of Sponsorship plus 14 days after the end date given on the Certificate of Sponsorship and up to 14 days before the start date, whichever is the shorter.</p> <p>The exceptions to this are for those applying as:</p> <ul style="list-style-type: none"> • private servants in diplomatic households and who were granted entry clearance in that capacity under the Rules in place before 6 April 2012 can apply for an extension for a maximum of 24 months at a time, up to a total of six years; or • private servants in diplomatic households who were granted entry clearance in that capacity under the Rules in place on or after 6 April 2012 can also apply for an extension for a maximum of 24 months at a time up to a maximum of five years or up to the length of their employer's posting, whichever is shorter; or • employees of overseas governments and international organisations only, who can apply for an extension for a maximum of 24 months at a time, up to a total of six years. • Those providing a service under contract as set out in the General Agreement on Trade In Services (GATS) and other similar trade agreements such as the European Union (EU) - CARIFORUM economic partnership agreement, the EU – Andean multiparty trade agreement and the EU European Union - Chile free trade agreement, can only apply for a maximum stay of 6 months in any 12 month period.

<p>For people in the government authorised exchange category</p>	<p>For a maximum period of 24 months, or the time given on the Certificate of Sponsorship plus 14 days after the end date given on the Certificate of Sponsorship and up to 14 days before the start date, whichever is the shorter for those who:</p> <ul style="list-style-type: none"> • were granted entry clearance in that capacity under the Rules in place before 6 April 2012; or • were granted entry clearance in a research programme, training programme or overseas government language programme under the Rules in place on or after 6 April 2012. <p>Or</p> <p>For a maximum period of 12 months, or the time given in the Certificate of Sponsorship plus 14 days after the end date given on the Certificate of Sponsorship and up to 14 days before the start date, whichever is the shorter for those who were granted entry clearance in a work experience programme under the Rules in place on or after 6 April 2012.</p> <p>Please note, a list of approved Government Authorised Exchange schemes (programmes) can be found on our website at www.gov.uk/government/publications/tier-5-government-authorised-exchange-schemes</p>
<p>Leave to Remain (Extension) where previous grant of leave was a Tier 5 (Temporary Worker) migrant irrespective of category and the migrant had entry clearance.</p>	<p>Up to the maximum time allowed in the category, or the time given on the Certificate of Sponsorship plus 14 days, whichever is shorter.</p>

Switching

Switching into the Tier 5 (Temporary Worker) category

Sports or entertainer visitors, or visitors (excluding visitors for permitted paid engagements, marriage or civil partnerships or transit) who entered the UK undertaking permitted activities in the sports or creative sectors on or after 24 April 2015, are allowed to switch into the Tier 5 (Temporary Worker) Creative and Sporting sub- category, if they have a valid Certificate of Sponsorship that was assigned to them before they came to the United Kingdom.

Qualifying Work Permit Holders are allowed to switch into the Tier 5 (Temporary Worker) International Agreement sub-category provided their Certificate of Sponsorship shows that they are being sponsored as an overseas government employee in the International Agreement subcategory and they will be continuing in employment with the same organisation.

Overseas Government Employees (granted under paragraphs 160-162 and 164-165 of the Immigration Rules) are allowed to switch into the Tier 5 (Temporary Worker) – International Agreements sub-category of the Points-Based System.

Qualifying Work Permit Holders are allowed to switch into the Tier 5 (Temporary Worker) Government Authorised Exchange sub-category provided they were previously issued with a work permit for the purpose of employment as a sponsored researcher and have been granted a Certificate of Sponsorship to continue this employment.

Students (paragraphs 57-62 of the Immigration Rules), Students Re-Sitting an Examination (69A-69F), Student Nurses (63-67), Student Union Sabbatical Officers (87A-87F), People Writing up a Thesis, Postgraduate Doctors and Dentists or Tier 4 (General) Migrants (245ZT-245ZY) can apply to switch into the Tier 5 (Temporary Worker) Government Authorised Exchange sub-category, provided they:

- have lawfully obtained a UK bachelors, masters degree, PGCE or PGDE during their last grant of leave; and

<p>Switching into the Tier 5 (Temporary Worker) category. Continued.</p>	<ul style="list-style-type: none"> ○ are being sponsored to undertake postgraduate professional training or work experience which is required to obtain a professional qualification or registration in the same professional field as their qualification described above; or ○ are being sponsored to undertake an internship for up to 12 months which is directly related to the qualification described above; <p>and</p> <ul style="list-style-type: none"> ○ will not be filling a vacancy such that their employer does not intend to employ them at the end of the period of work experience or training.
	<p>All other switching into Tier 5 (Temporary Worker), or between subcategories of Tier 5 (Temporary Worker), is not permitted.</p>

Conditions of leave

Conditions you must meet.	<p>If you have leave in any Tier 5 (Temporary Worker) category, you will be subject to the following conditions:</p> <ul style="list-style-type: none">• no recourse to public funds; and• registration with the police, if this is required by paragraph 326 of the Immigration Rules; and• no employment, except:<ul style="list-style-type: none">○ working for the sponsor in the employment stated on the Certificate of Sponsorship; or,○ if you are being sponsored in the government authorised exchange sub-category of Tier 5 (Temporary Worker), work, volunteering or job shadowing authorised by your sponsor that the Certificate of Sponsorship records that you are being sponsored to do; or○ if you are being sponsored in the International Agreement subcategory as a private servant in a diplomatic household who was granted entry clearance under the Rules in place on or after 6 April 2012, working for the employer named on the Certificate of Sponsorship;○ supplementary employment except for private servants in diplomatic households who were granted entry clearance under the Rules in place on or after 6 April 2012;○ Where you are being sponsored in the creative and sporting subcategory of Tier 5 (Temporary Workers), employment as a sportsperson for your national team while it is in the UK, playing in British University and College (BUCS) competitions and temporary engagement as a sports broadcaster; and• You need to apply for an Academic Technology Approval Scheme (ATAS) certificate if you are 18 years of age and over and wish to undertake study covered by Appendix 6 of the Immigration Rules. If you are unsure whether this applies to the course of study you wish to take please go to www.gov.uk/find-out-if-you-require-an-atas-certificate.
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86. If you want to travel to the United Kingdom under Tier 5 (Temporary Worker) of the Points-Based System, you will need prior entry clearance. The exception to this is if you are a non-visa national seeking entry to the United Kingdom for a period of less than three months in the Tier 5 (Temporary Worker) Creative and Sporting sub- category. You will need a valid Certificate of Sponsorship reference number before you apply for either entry clearance or further leave to remain in the United Kingdom, or seek leave to enter if you are a non-visa national coming to the United Kingdom for less than 3 months in the Creative and Sporting sub- category.
87. You will be able to enter the United Kingdom up to 14 days before your start date, the date given by your sponsor on the Certificate of Sponsorship.
88. Where you are under 18 years of age, the application must be supported by your parents or legal guardian, or by just one parent if that parent has sole legal responsibility for you.
89. Where you are under 18 years of age, your parents or legal guardian, or just one parent if that parent has sole responsibility for you, must confirm that they consent to the arrangements for your travel to, and reception and care in, the UK.
90. From 18 March 2015, if you apply for entry clearance to come to the UK for more than six months, you will also be applying for a biometric residence permit (BRP). This will be introduced on a phased basis. As part of your application for entry clearance, you must enrol your fingerprints and facial image to have your identity confirmed. If a successful decision is made on your application for entry clearance, a decision letter will inform you from which nominated Post Office in the UK you must collect your BRP. You will be provided with a short term biometric entry clearance (a vignette in your passport), valid for 30 days, in order to travel to the UK to collect your BRP. You then have ten days from your arrival in the UK to collect your BRP from that nominated Post Office. The BRP will be the sole way of evidencing that you are in the UK lawfully and any conditions of your leave. For more information, please see the Gov.uk website at: www.gov.uk/biometric-residence-permits.

Tier 5 (Temporary Worker) points scoring

91. In order to obtain entry clearance or leave to enter or remain within Tier 5 (Temporary Worker) sub categories, you must score enough points and send supporting evidence where appropriate.

Tier 5 (Temporary Worker) point scoring requirements

92. Under Tier 5 (Temporary Worker), you must score:
- 30 points for possessing a valid Certificate of Sponsorship (Appendix A of the Tier 5 (Temporary Worker) Policy Guidance version 06/2017

Immigration Rules); and 10 points for Maintenance (Funds) (Appendix C of the Immigration Rules).

93. Rules have to be met.

94. The points available are:

- A** Certificate of Sponsorship 30 points
- B** Maintenance requirement 10 points

95. In order to be awarded points for section **A** of the above table, you must have a valid Certificate of Sponsorship issued by your sponsor.

96. Further details of each sub-category of the Tier 5 (Temporary Worker) category are given below. For further information on the conditions under which sponsors should issue certificates of sponsorship, please see our website at:

www.gov.uk/browse/visas-immigration/sponsor-workers-students

Creative and sporting

97. This category is for applicants in the creative and sporting sector who are entering the United Kingdom for short term contracts/engagements in the United Kingdom.

98. For sportspeople, you must be internationally established at the highest level in your sport and/or your employment will make a significant contribution to the development and operation of that particular sport in this country; coaches must also be suitably qualified to fulfil the role in question.

99. In order for a Certificate of Sponsorship to be assigned for a sportsperson under Tier 5 (Temporary Worker - Creative and Sporting), the sponsor will need to have an endorsement for you from the appropriate governing body for your sport. The endorsement will confirm that:

- you are internationally established at the highest level; and/or
- your employment will make a significant contribution to the development of your sport at the highest level in the UK; and
- your post could not be filled by a suitable settled worker.

100. The endorsement will be obtained from the governing body by your sponsor. You must provide the original letter issued by the governing body containing the endorsement as part of your application for leave or entry clearance.

101. Find a list of all approved governing bodies on our website at:

www.gov.uk/government/publications/immigration-rules-appendix-m

102. For a creative worker and their entourage operating in dance, theatre, or

film and television, the sponsor must commit to following the specified code of practice specified in the Immigration Rules, which includes taking into account the needs of the resident labour market in that area. Where your job is not covered by a specific code of practice, your sponsor must show that the post could not have been filled by a settled worker. Examples to demonstrate this might be recruitment activity undertaken, written support from an appropriate industry representative body or sector labour market information.

103. In assigning a Certificate of Sponsorship, the sponsor will have guaranteed that you:

- are seeking entry to the United Kingdom to work or perform in the relevant sector;
- are not intending to base yourself in business in the United Kingdom;
- pose no threat to the resident labour force; and
- will comply with the conditions of your permission to stay and leave the United Kingdom when it expires.

104. This category is not for people who have previously entered the UK under the permit free concessions for entertainers, including permit free festivals, and sportspeople. These concessions have been brought within the Immigration Rules under the entertainer and sportsperson visitor routes. Professional sportspeople or amateurs wishing to play for professional clubs would need to obtain permission to work under the Points-Based System. For more information on the visitor routes and amateur status see our visitor guidance:

www.gov.uk/government/publications/sports-visitors

105. If you are entering the United Kingdom under the creative and sporting sub-category and are planning to enter via Ireland, you must obtain entry clearance prior to travelling to the United Kingdom.

106. If you are a non-visa national seeking entry to the United Kingdom for three months or less, and are not coming via Ireland, you can apply for leave to enter at the border. If you want to do this, you will require a Certificate of Sponsorship, but will not be required to obtain entry clearance. Separate arrangements, consistent with the principles of sponsorship, will enable appropriate checks to be made at the port of entry.

107. You will need to tell the Immigration Officer your Certificate of Sponsorship number when you arrive in the United Kingdom. The Immigration Officer will also ask you to provide your evidence of meeting the maintenance requirements. Please refer to the maintenance section for the evidence we expect applicants to provide. It may take the Immigration Officer some time to process the application. If you do not bring all the necessary evidence, it may result in your application being refused and you will not be allowed to enter the United Kingdom.

108. You may wish to bring contact details for your sponsor with you in case we need to speak to them, and should ask the sponsor to confirm the details that they have entered on the Certificate of Sponsorship.
109. Where you are granted leave to enter for up to three months by an Immigration Officer on arrival in the UK, your leave will automatically lapse once you travel outside the Common Travel Area (the Common Travel Area encompasses the UK, Republic of Ireland, the Isle of Man, Jersey and Guernsey). This means that you will not automatically be able to re-enter the UK on the basis of your original grant of leave. However, you may need to come back to the UK to fulfill your engagements for your sponsor here. In this instance, you must tell the Immigration Officer your original Certificate of Sponsorship number on arrival. The Immigration Officer will ask you to provide your evidence of meeting the maintenance requirements again. The Immigration Officer will carry out checks to ensure that the sponsor has not withdrawn their sponsorship of you since your original entry, and may wish to speak to the sponsor again to confirm the details on the Certificate of Sponsorship. Provided you meet all the criteria, the Immigration Officer will be able to grant leave to allow you to complete the engagements for your sponsor within the period of your original grant of leave.
110. If you wish to come to the United Kingdom for three months or longer you will need to get entry clearance.
111. If you are a creative worker or sports person, you may apply for entry clearance from a country that is not your normal place of residence if you are in that country for a similar role to the one you want to do in the United Kingdom.

Group Certificates of Sponsorship

112. You will be able to bring your entourage using a group Certificate of Sponsorship. An entourage can include people whose work is directly related to the employment of an entertainer, cultural artist, sports person or a dramatic production. The person should have proven technical or other specialist skills.

Multiple engagements or performances

113. Due to the nature of the creative sector, at times you may need to perform a number of engagements at a number of venues. If you have a single sponsor, for example, an agent, and there is no more than a maximum of 14 calendar days between each engagement, that sponsor can assign a single Certificate of Sponsorship to cover the whole period.
114. If you are sponsored by individual venues, producers or promoters, then it is still possible for each sponsor to assign a Certificate of Sponsorship to cover its own show. The periods of work stated on the Certificates of Sponsorship must not

overlap (you may need to co-ordinate the periods of work with your sponsors). If there is no more than a maximum of 14 calendar days between each engagement, then entry clearance will be granted to cover the whole period.

115. If there is a gap of more than 14 days between engagements, you will have to leave the United Kingdom and apply for entry clearance again as a new application.

Charity workers

116. This category is for those wanting to undertake unpaid voluntary fieldwork which contributes directly to the achievement or advancement of the sponsor's charitable purpose in the UK.

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

118. This category cannot be used to temporarily fill a position which is required on a permanent basis.

119. In assigning a Certificate of Sponsorship, the sponsor will have guaranteed that you:

- will be undertaking voluntary fieldwork which contributes directly to the achievement or advancement of the sponsor's charitable purpose
- will not receive any form of payment of remuneration, including benefits in kind, (except reasonable expenses outlined in section 44 of the National Minimum Wage Act at www.legislation.gov.uk/ukpga/1998/39/section/44A)
- will not be filling a permanent position, including on a temporary basis
- will comply with the conditions of your permission to stay and leave the United Kingdom when it expires.

Religious workers

120. This category is for those coming to work temporarily in the United Kingdom as a religious worker. Duties may include preaching, pastoral work and non pastoral work.

121. For examples of the duties we expect those coming in under the Tier 5 (Temporary Worker) - religious worker sub-category to undertake, please see the 'Guidance for Sponsor Application Tier 2, Tier 4 and Tier 5 of the Points-Based System', on our website at:

www.gov.uk/government/collections/sponsorship-information-for-employers-and-educators

122. In assigning a Certificate of Sponsorship, the sponsor will have guaranteed that:

- you are qualified to do the job in question;
- you will only work at the specified location(s), except where working under the supplementary employment provisions;
- they will accept the responsibilities of sponsorship for you;
- where applicable, they will support you through funds and/or accommodation that are sufficient for you to maintain yourself throughout the duration of the Certificate of Sponsorship. If you are unable to support yourself, you could face financial hardship because you will not have access to most state benefits;
- you will not be displacing or denying an employment opportunity to a suitably qualified member of the resident labour force; and
- you will comply with the conditions of your permission to stay and will leave the United Kingdom when it expires.

123. Your Certificate of Sponsorship must outline your duties, details of any payments you will receive and provide an explanation from your sponsor of how they have met the resident labour market test requirements or;

- justify that the role you will be doing is supernumerary and you will not be filling a vacant position that could otherwise be filled by a settled worker or;
- that the role you will be doing involves living mainly within and being a member of a religious order, which is a lineage of communities or of people who live in some way set apart from society in accordance with their specific religious devotion, for example, an order of nuns or monks.

Government authorised exchange

124. This category is for those coming to the United Kingdom through approved schemes that aim to share knowledge, experience and best practice through work placements, whilst experiencing the wider social and cultural setting of the United Kingdom. This category cannot be used to fill job vacancies or provide a way to bring unskilled labour to the United Kingdom.

There are four types of scheme approved under the government authorised

exchange sub-category:

- Work experience programme – this includes volunteering, job-shadowing, internships and approved work experience programmes;
- Research programme – this includes only those working on specific scientific, academic, medical or government research projects at UK higher education institutions or other research institution operating under the authority and/or financial sponsorship of a relevant government department;
- Overseas government language programme - this includes only schemes that are fully or partially funded by overseas governments or government sponsored organisations. They are for those undertaking development placements to build and / or enhance foreign language skills and foster good cultural relations in the UK.
- Training programme – this includes only those receiving formal, practical training in the fields of science and/or medicine, those receiving training by HM armed forces or UK emergency services, or those:
 - who lawfully obtained a UK recognised bachelor or postgraduate degree (not a qualification of equivalent level which is not a degree) during their last grant of leave; and
 - being sponsored to undertake a period of postgraduate professional training or work experience which is required to obtain a professional qualification or professional registration in the same professional field as the qualification described above; and
 - who will not be filling a permanent vacancy, such that the employer you are directed to work for by the sponsor does not intend to employ you in the UK after the end of the training or work experience for which you are being sponsored.

125. Individual employers and organisations will not be allowed to sponsor anyone under this category, even if they are licensed as sponsors under other tiers or categories of Tier 5, to prevent potential abuse of this category and the formation of small individual schemes. The only exceptions to this are:

- Sponsored researchers – a scheme has been approved by the Department for Innovation, Universities and Skills, so higher education institutions will be able to recruit sponsored researchers under this category of the Points Based System.
- where the employer is a Government Department or an Executive Agency of a Government Department.

126. There will be an overarching body to manage the exchange scheme. This overarching body will be the sponsor. The scheme and the overarching body

must have the support of a United Kingdom government department. The overarching body will assign certificates of sponsorship to those who meet the requirements of the scheme.

127. Any work undertaken must be equivalent to level 3 or above on the National Qualification Framework. The only exception to this is where the migrant is coming to the UK through a scheme set up as part of the EU Lifelong Learning Programme, where the migrant may undertake vocational education and training at a lower skill level.

128. When the overarching body assigns a Certificate of Sponsorship, they will have guaranteed that you:

- are seeking entry to the United Kingdom to work or train temporarily here through an approved exchange scheme;
- do not intend to establish a business in the United Kingdom; and
- meet the requirements of the individual exchange scheme.

International agreement

129. This category is for those who are coming to the United Kingdom under contract to provide a service covered under international law, including:

- private servants in diplomatic households;
- employees of overseas governments and international organisations;
- the General Agreement on Trade in Services (GATS); and
- similar agreements between the United Kingdom or European Union and another country or other countries.

This category does not include the intra corporate transfer commitment of GATS or similar commitments in other agreements. Those coming to the United Kingdom under these arrangements should come under Tier 2 (Intra Company Transfer) of the Points-Based System

130. In assigning a Certificate of Sponsorship to private servants in diplomatic households, the sponsor will have guaranteed that you:

- are aged 18 years old or over;
- will be employed as a private servant by, and in the household of:

a) a named member of staff of a diplomatic or consular mission who has diplomatic privileges and immunity as defined by the Vienna Convention on Diplomatic Relations; or

b) a named official employed by an international organisation with certain privileges and immunities under United Kingdom or international law;

- intend to work full-time in domestic employment for that named employer;
- will not take up any other form of job for the sponsor other than as a private servant in the specified household; and
- will leave the United Kingdom when your permission to stay has expired.

Please note that you must provide written evidence of the terms and conditions of your employment in the United Kingdom in the form set out in the table below. This must be signed by you and your employer, who must be a diplomat or an employee of an international organisation recognised by the Government who enjoys certain privileges or immunity under UK international law. It must, among other things, confirm that you will be paid at least the National Minimum Wage. Your employer must also separately provide a written and signed statement confirming that you are an employee and the work that will be carried out you will not constitute work within the meaning of paragraph 57 of the National Minimum Wage Regulations 2015 (as amended from time to time).

Please also note: domestic workers in private households remain outside the Points-Based System, and such applicants should apply for a domestic worker in a private household visa – see www.gov.uk/domestic-workers-in-a-private-household-visa.

Overseas Domestic Worker

Employment contract

Two copies of this form must be completed and signed by the employer and you and signed originals must be submitted with the entry clearance application or with the leave to remain application as required by paragraphs 245ZO(f)(ii), and 245ZQ(e)(ii) of the Immigration Rules.

1. Name & address of Employee

[insert details]

2. Name & address of Employer

[insert details]

3. Commencement of Employment & Termination

1. *[If for an indefinite term]*

[The Employee's employment with the Employer commence[s **OR** d] on [insert date], and will continue unless or until terminated in accordance with the provisions of this agreement.]

[If for a fixed term]

[The Employee's employment with the Employer shall [commence **OR** be deemed to have commenced] on [insert date] and shall continue, subject to the remaining terms of this agreement, until it terminates on [insert date] without the need for notice unless previously terminated by either party giving the other not less than [insert number*] weeks/months' notice in writing.]

*** Note: the notice to be given by the Employer must not be less than the statutory minimum period of notice to be given by employers, which is as**

follows:

- ***during the first two years' continuous employment, one week's notice; and***
 - ***after that, one additional week for each year of service, up to a maximum of twelve weeks' notice.***
2. No employment with a previous employer counts as part of a period of continuous employment. **OR** The Employee's employment with *[insert name of previous employer]* forms part of a continuous period of employment which began on *[insert date]*.

4. Job Title

The Employee is employed as *[insert job title]* and his/her duties are set out below:

[insert Employee's duties]

5. Employee's Place of Work

The Employee's place of work is *[insert location]*.

[If this is where the Employer resides, then the following information should be provided]:

- Total number of rooms;
- Total number of bedrooms;
- The names and ages of all household members and domestic staff (adults and minors) residing in the house.

[If the Employee's place of work is different to the Employer's residence, the

Employer is to provide an explanation, including details of where the Employee will be working and who lives at that address]

6. Employee's Hours of Work

1. The Employee's normal hours of work are *[insert number]* hours per week, to be worked during the hours of *[insert time]* to *[insert time]* on *[insert days]* with a daily [paid **OR** unpaid] lunch break of *[insert amount]*.
2. [The Employee is not required to work overtime]

OR

[The Employee is required to be available to work overtime, whenever needed by the Employer at weekends, on public holidays or at other times outside his/her normal hours of work.]

OR

[The Employee may, if he/she wishes, make himself/herself available to work overtime outside his/her normal hours of work.]

OR

[The Employee may be required to work overtime if and when the Employer deems it to be necessary.]

[If the Employee works overtime, then complete the following paragraph]

3. [The Employee's entitlement to pay for working overtime is as follows:

[insert details of overtime pay]

7. Pay

The Employee's [salary is **OR** wages are] £*[enter figure]* per [hour **OR** week **OR**

month **OR** year] payable to the Employee at [weekly **OR** monthly] intervals in arrears on[or about] the [*insert day i.e. Friday* **OR** last working day **OR** *insert date i.e. 25th*] of each [week **OR** month].

The Employer agrees that the salary **OR** wages meet the requirements of the National Minimum Wage Act 1998 and any Regulations made under it, and that they will continue to meet such requirements throughout the period of employment.

8. Holiday

1. The Employee will be entitled to [*enter number –under the Working Time Regulations 1998, this must be at least 20 days for full – time employees, pro rata for part – time employees*] days' paid holiday in each holiday year, which runs from [*enter date, e.g. 1 January*] to [*enter date, e.g. 31 December*], in addition to bank and public holidays. If the Employee's employment starts or finishes part way through the holiday year, his/her holiday entitlement during that year shall be calculated on a pro-rata basis.
2. The Employee must take all of his/her entitlement in the holiday year in which it accrues and carrying forward holiday is not permitted unless [*either agreed in advance by the Employer or where*] the law allows holiday to be carried forward.
3. On the termination of the Employee's employment, he/she will be paid in lieu of accrued but untaken holiday entitlement. The Employee will be required to pay the Employer for holiday taken in excess of his/her accrued entitlement on termination.

9. Sickness

1. If the Employee is absent from work for any reason, he/she, or someone on his/her behalf, must inform the Employer by no later than [*insert time*] on the first day of absence. On the Employee's return to work, he/she will be required to complete a self-certification form, which he/she should complete, sign and return within [*insert number e.g. two days*] of his/her return to work. If the Employee's absence from work is

due to sickness or injury and continues for a period exceeding seven consecutive days, he/she should provide the Employer with a Statement of Fitness for Work ('fit note') from his/her doctor as soon as possible after the seventh day of absence and weekly after that.

2. **[[IF SICK PAY:]** In the event of absence from work due to illness or injury, the Employee will be eligible to receive an amount equivalent to his/her salary **OR** wages for the first [*insert number*] weeks of absence. Such payments will include any entitlement to any statutory sick pay due in accordance with applicable legislation in force at the time of the absence.

OR

[[IF STATUTORY SICK PAY ONLY:]There is no pay for any absence due to illness or injury, other than statutory sick pay if the Employee is eligible. For the purpose of statutory sick pay, the Employee's 'qualifying days' are [*insert the [Employee's normal working days]*]

10. Recruitment, transportation, and other fees

The Employer shall not recoup from the Employee, through payroll deductions or any other means, the fees they have paid to a third party recruiter or recruitment agency, or their authorised representative(s) for services related to hiring and retaining the Employee.

The Employer agrees to pay the Employee's transportation costs for the journey from his/her place of current residence to the place of work in the United Kingdom, namely from _____(country of current residence) to _____(place of work in United Kingdom) as well as the return journey from _____(place of work in United Kingdom) to _____(country of current residence).

The Employer agrees to pay in advance on behalf of the Employee any visa application fees and any other fees including any immigration health surcharge that may be payable by the Employee in order to obtain a visa to travel to the United Kingdom with their Employer or to join the Employer in the UK.

It is the Employer's obligation and responsibility to pay for the transportation costs, any visa application fees and any other fees (including any immigration health surcharge) that may be payable by the Employee in order to obtain a visa to travel to the United Kingdom with their Employer or to join the Employer in the UK, and such costs and fees cannot be passed on to the Employee through payroll deductions or any other means (for example, the

Employee must not pay the transportation or the visa fees on behalf of the Employer to be reimbursed at a later date). Under no circumstances are transportation costs or the fees described above recoverable by the Employer from the Employee.

11. Accommodation

1. The Employer shall provide the Employee with suitable furnished accommodation for their exclusive use. Suitable accommodation is housing or a hotel room that meets UK building requirements and health and safety standards. This includes a private unit or a room with a lock and which therein provides living and sleeping facilities intended for human habitation with no visible or structural repairs required.

2. The Employer agrees to provide the Employee with [meals] [delete if not applicable], [and] an adequate, properly heated, and ventilated room with natural light. The door of the room shall be equipped with a lock and a safety bolt from within the room and the Employee will be provided with the corresponding key.

3. The Employer shall provide the Employee with independent access to the residence (for example, house keys, security code) where the Employee resides.

4. The Employer agrees to provide the Employee with (check if applicable):

Private bathroom

Telephone (charge of £____per month or no charge___ except for long-distance calls)

Radio (in his/her room)

Television (in his/her room)

Internet access (charge of £____per month or ____no charge)

Other, specify: _____

[Description of Employee's room and furnishings]

12. Healthcare

Either:

1. The Employer agrees to provide comprehensive sickness insurance cover for the Employee in the United Kingdom at no cost to the Employee.
2. The Employer agrees not to deduct money from the Employee's salary **OR** wages for this purpose.
3. The Employer undertakes to ensure that the Employee has free access to medical treatment as the Employee requires.

or, if the Employee has remained (or will remain as a result of his/her application for entry clearance, leave to enter or leave to remain being granted) in the UK as either a domestic worker in a private household or a private servant in a diplomatic household for a period exceeding 6 months:

1. The Employer agrees not to deduct money from the Employee's salary OR wages for the purpose of meeting the cost of comprehensive sickness insurance cover.

2. The Employer undertakes to ensure that the Employee has free access to

medical treatment as the Employee requires.

13. Passport

The Employer agrees that the Employee will retain custody of his/her passport at all times other than when it is required by a third party for official purposes such as applying for a visa.

14. Termination and Notice Period

[To only be used when the employment is for an indefinite term]

The prior written notice required by the Employee to terminate his/her employment shall be as follows:

[insert details]

The prior written notice required by the Employer to terminate the Employee's employment shall be as follows:

[insert details]

Note: this must not be less than the statutory minimum period of notice to be given by employers, which is as follows:

- ***during the first two years' continuous employment, one week's notice; and***
- ***after that, one additional week for each year of service, up to a maximum of twelve weeks' notice.***

15. Grievances and Disciplinary Rules and Procedure

1. If the Employee has a grievance regarding his/her employment, he/she should in the first instance speak to his/her *Employer*. If the grievance is not then resolved to the Employee's satisfaction, the Employee should refer to the grievance procedure, which may be obtained from the Employer.

2. The disciplinary rules and procedure applicable to the Employee are [attached **OR** to be found in [*specify place*]]. If the Employee is dissatisfied with any disciplinary decision taken in relation to him/her, he/she should refer to the disciplinary procedure, which may be obtained from the Employer.

Note: the Employer's grievance procedure and disciplinary rules and procedure must comply with the ACAS statutory Code of Practice on discipline and grievance.

16. Pensions

1. [The Employee is entitled to become a member of the [*insert name*] Pension Scheme, or such other registered pension scheme as has been set up by the Employer, subject to satisfying certain eligibility criteria and subject to the rules of such scheme as amended from time to time. Full details of the scheme are available from the Employer.

OR

[There is no pension scheme in force in relation to the Employee's employment.]

2. A contracting-out certificate is [not] in force in respect of the Employee's employment.

17. Governing Law & Jurisdiction

1. This agreement and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.
2. Each party irrevocably agrees that the courts of England and Wales shall have exclusive jurisdiction to settle any dispute or claim arising out of or in

connection with this agreement or its subject matter or formation (including non-contractual disputes or claims).

Signature of Employer

1. I accept the terms and conditions of this employment contract.

Given name as stated on passport (print): _____

Surname as stated on passport (print): _____

EMPLOYER'S Signature: _

Date (DD/MM/YYYY): _____

Signature of Employee

2. I accept the terms and conditions of this employment contract.

Given name as stated on passport (print): _____

Surname as stated on passport (print): _____

EMPLOYEE'S Signature: _

Date (DD/MM/YYYY)

131. In assigning a Certificate of Sponsorship to employees of overseas governments and international organisations, the sponsor will have guaranteed that you will:
- be under a contract of employment with the overseas government or international organisation;
 - not take up any job for the sponsor other than that for which the Certificate of Sponsorship was assigned; and
 - not try to avoid immigration controls by changing to a different category of worker within the international agreements category after entering the United Kingdom.
132. In assigning a Certificate of Sponsorship for those coming to the United Kingdom under GATS or another similar trade agreement, the sponsor will have guaranteed that you are either:
- a contractual service supplier who is employed by a company with no commercial presence inside the European Union that has a contract to supply services to them in the United Kingdom as set out in the GATS or a similar trade agreement; or
 - an independent professional who is self- employed, with no commercial presence inside the European Union and have a contract to supply services to them in the United Kingdom as set out in the EU - CARIFORUM economic partnership agreement or a similar trade agreement.

a) Contractual service supplier

If you are a contractual service supplier:

- (i) your employer must be based outside the European Union in a country or territory which is a signatory to the trade agreement under which you are supplying services and you must be a national of that country;
- (ii) you must have been an employee of the company for at least 12 months;
- (iii) you must have a degree level or equivalent level qualification unless you are:
 1. supplying fashion model services, chef de cuisine services or entertainment services other than audiovisual services under the EU - CARIFORUM economic partnership agreement; or
 2. supplying advertising and translation services;
- (iv) where required by relevant UK legislation, regulations or sectoral requirements, you must hold any specific professional qualifications or registrations to provide the services in the UK; and
- (v) you must have three years professional experience in the sector in which you are supplying services unless you are supplying chef de cuisine services under the EU – CARIFORUM economic partnership agreement, in which case, you must have at least six years’ relevant experience at the level of chef de cuisine and have an advanced

technical qualification.

b) Independent professional

If you are an independent professional:

(i) your business must be established on the territory of the country which is signatory to the trade agreement under which you are supplying services and you must be a national of that country;

(ii) you must have a university degree or technical qualification which demonstrates knowledge of a similar level;

(iii) where required by relevant legislation, regulations or sectoral requirements, you must have specific professional qualifications to provide some services in the UK; and

(iv) you must have six years professional experience in the sector in which you are supplying services.

Maintenance (Funds)

Maintenance requirement

133. One of the requirements of the Tier 5 (Temporary Worker) category is that those coming to the United Kingdom must be able to support themselves for the entire duration of their stay in the United Kingdom without use of public funds (benefits provided by the state). Anyone who is unable to support themselves could face financial hardship because they will not have access to most state benefits

134. In order to qualify for entry clearance, leave to enter or leave to remain under the Tier 5 (Temporary Worker) category you must meet the maintenance requirement. You can do this by:

- demonstrating that you have at least £945 of personal savings which must have been held for at least a consecutive 90 day period ending no earlier than 31 days before the date of application; or
- the Tier 5 A-rated sponsor providing a written undertaking that, should it become necessary, it will maintain and accommodate you for a month. The undertaking may be limited provided the limit is at least £945. A Tier 5 A-rated sponsor can do this by:
 - a) endorsing the certification on the Certificate of Sponsorship, or
 - b) providing the certification in a letter from the sponsor which includes:
 - i. the applicant's name,
 - ii. the sponsor's name and logo, and
 - iii. details of any limit

135. You may want to check the potential costs of living in the United Kingdom. If you do not expect to get any income from your work in the United Kingdom after the first month, you may

want to check that you have enough money to support yourself and any dependants.

136. Any dependants wishing to join you must also provide evidence that they have access to sufficient funds. There is separate dependant's guidance which can be found on our website at: www.gov.uk/browse/visas-immigration/work-visas

Qualifying to be awarded points

137. You can score points for maintenance by either:

- showing that you have had access to £945 of available funds, excluding overdraft facilities, over the 90 day period ending no earlier than 31 days before the date of application; or
- your sponsor certifying the maintenance. You should confirm with your sponsor that it has indicated, that your maintenance has been certified on the Certificate of Sponsorship.

138. If you are unable to obtain 10 points in the maintenance requirements section, you will not be successful in your application, even if you score the required number of points for your given category and meet all other requirements of the Immigration Rules.

Supporting evidence

Documents we require as evidence of your sponsor certifying your maintenance

139. If your sponsor certifies maintenance, this must be confirmed on your Certificate of Sponsorship.

140. Only A-rated sponsors, including Premium and SME+ sponsors can certify your maintenance.

Documents we require as evidence of personal savings

141. To be awarded 10 points because you have personal savings of £945 that have been held for a consecutive 90 day period ending no earlier than 31 days before the date of application, you must provide one of the types of specified evidence listed in the Immigration Rules.

142. The evidence used to support personal savings for at least a consecutive 90 day period must be original, and issued by an authorised official of that organisation.

143. Evidence must be in the form of cash funds held in an account (this includes savings accounts and current accounts even when notice must be given). Other accounts or financial instruments such as shares, bonds, overdraft, credit cards, pension funds etc, are not acceptable, regardless of notice period.

144. Where you are providing evidence of maintenance from a single account, we will always assess the funds available to you from the closing balance given on the document provided.

145. Where two or more pieces of evidence from a single account are submitted (for example two

consecutive bank statements), we will assess the funds available to you from the closing balance of the most recent document.

146. Where evidence from two or more accounts is submitted, we will assess the funds available to you using:

- the most recent closing balance of one account, plus
- any additional money available to you on the date of that closing balance, for which you have provided the required evidence.

We will always use the closing balance date from the account that most favours you.

147. Only the following specified documents will be accepted as evidence of this requirement:

i) Personal bank or building society statements covering a consecutive 90 day period

The most recent statement must be dated no earlier than 31 days before the date of the application.

The personal bank or building society statements should clearly show:

- your name;
- your account number;
- the date of the statement;
- the financial institution's name and logo;
- any transactions during the 90 day per account throughout the period. (The balance must always be at least £945 covering the three month 90 day period ending no earlier than 31 days before the date of application).

All statements must be on the bank's stationery, unless you are submitting electronic statements.

Ad hoc bank statements printed on the bank's letterhead/stationery are acceptable as evidence (This excludes mini- statements from ATMs).

If you wish to submit electronic bank statements, these must contain all of the details listed above. In addition, you will need to provide either:

- a supporting letter from your bank, on company headed paper, confirming the authenticity of the statements; or
- an electronic bank statement bearing the official stamp of the bank in question. This stamp should appear on every page of the statement.

We will not accept statements which show the balance in the account on a particular day as these documents do not show that you held enough funds for the full period needed.

ii) Building society pass book covering a consecutive 90 day period, ending no more than 31 days before the date of application:

The building society pass book should clearly show:

- your name; and
 - your account number; and
 - the building society's name and logo; and
 - any transactions during the 90 day period; and
 - that there have been enough funds in your account throughout the period (The balance must always have been at least £945 covering the consecutive 90 day period before the date of application).
- **iii) A letter from your bank or building society, or a letter from a financial institution regulated by the Financial Services Authority or, for overseas accounts, the home regulator (This is the official regulatory body for the country in which the institution operates and the funds are located) confirming funds and that they have been held for a consecutive 90 day period, ending no more than 31 days before the date of application:**

This letter must show:

- your name; and
- your account number; and
- the date of the letter (which must be no more than 31 days before the date of the application); and
- the financial institution's name and logo; and
- the funds held in your account; and confirmation that funds of £945 have been in the bank for at least a consecutive 90 day period on and immediately before the date of the letter.

The letter must be dated no more than 31 days before the date of application. All statements must be on the bank's letterhead/official stationery

148. We will not accept letters which show the balance in your account on a particular day as these documents do not show that you held enough funds for the full period needed.

Documents we require if you are switching into the Government Authorised Exchange sub-category from one of the student immigration categories.

Sponsored students

149. If you have been in the UK in one of the following categories, you may have been

sponsored in your studies by Her Majesty's Government, your home government, the British Council or any international company, university or Independent School:

- Tier 4 (General) student; or
- student; or
- student nurse; or
- student re-sitting an examination; or
- student writing up a thesis; or
- Student Union sabbatical officer
- postgraduate doctor or dentist.

150. For the purpose of this section of the guidance, 'sponsored' means wholly supported by an award which covers both fees and living costs. If you have had such sponsorship within the past 12 months, you must provide us with the government or international scholarship agency's unconditional consent in writing, giving you their permission to remain in or re-enter the UK.

151. The evidence must be original, on the official letter-headed paper or stationery of the organisation. It must have been issued by an authorised official of that organisation. If the organisation does not give unconditional consent or only gives permission for a limited time, we will refuse your application.

152. If you have received private sponsorship during your studies (for example from an employer or relative), we do not require the private sponsor's consent.

153. More advice on sponsored students is available on our website, at: www.gov.uk/government/collections/general-grounds-for-refusal-modernised-guidance

Evidence of qualification

154. You must provide an original degree certificate, academic transcript or an academic reference on official headed paper of the institution which must clearly show:

- your name; and
- the course title/award; and
- the course duration (except in the case of a degree certificate); and date of course completion unless you are studying a PhD course.

The academic reference must include all the information detailed above.

Documents we require if you are applying as a contractual service supplier or independent professional under the International Agreement sub-category

155.

a) Contractual service supplier

(i) You must supply payslips to cover at least 12 months of employment, the most recent of which must be dated no earlier than one calendar month before the date your application is submitted. These should be either original payslips or on company-headed paper. If your payslips are not on headed paper or are printouts of online payslips, you must provide a letter from your employer confirming the authenticity of the payslips. This letter can be posted, faxed or scanned and emailed to you. The letter must be on company headed paper, and must be signed by a senior official.

(ii) Unless you are supplying fashion model services or entertainment services other than audiovisual services under the EU - CARIFORUM economic partnership agreement, or supplying advertising and translation services, you must provide a degree certificate, equivalent level qualification certificate or technical qualification certificate from your place of study. This must be an original certificate and must clearly show:

- your name; and
- the course title/award; and
- the course duration; and
- date of course completion.

b) Independent professional

You must provide a university degree certificate or equivalent level qualification certificate from your place of study. This must be an original certificate and must clearly show:

- your name; and
- the course title/award; and
- the course duration; and
- date of course completion.

Tier 5 (Temporary Worker) extensions

156. An applicant in any Tier 5 (Temporary Worker) sub-category will be able to extend their leave up to the maximum time in that sub-category. They will need to satisfy the Immigration Rules in force at the time they apply and this could be different to the Immigration Rules in force when they first came to the United Kingdom. However, where a charity worker applies

to extend their leave for the purpose of the same employment, is not seeking to change sponsor, and their initial visa was applied for before 19 November 2015, they will be assessed against the Rules which were in force at the time of their initial visa application. When assigning the certificate of sponsorship, the sponsor will have guaranteed that the charity worker;

- will be continuing to undertake the voluntary fieldwork that they were sponsored to do during their initial period of leave and which continues to directly relate to the purpose of their charity
- will not be paid (except reasonable expenses outlined in section 44 of the National Minimum Wage Act at www.legislation.gov.uk/ukpga/1998/39/section/44A)
- will not be filling a permanent position
- will comply with the conditions of their permission to stay and leave the UK when it expires.

Supplementary employment

157. You can undertake work that is supplementary to that for which your Certificate of Sponsorship has been issued unless you are here as a private servant in a diplomatic household and your entry clearance was granted under the Rules in place on or after 6 April 2012. Supplementary employment must meet the following criteria:

- must be in either a job on the shortage occupation list in Appendix K of the Immigration Rules or a job in the same sector and at the same level as the work for which the Certificate of Sponsorship was assigned;
- must be no more than 20 hours per week;
- must be outside of your normal working hours for which your Certificate of Sponsorship was assigned.

158. If you are granted leave as a sportsperson under Tier 5, you can also take work as a temporary sports broadcaster.

159. You must continue to work for the sponsor in the employment that the Certificate of Sponsorship records that you are being sponsored to do.

160. Applicants do not need to advise us of any supplementary employment they undertake as long as it meets the above stated criteria.

Secondary employment

161. You cannot apply to undertake additional work that does not meet the supplementary employment criteria.

Change of employment

162. If you have previously received permission to enter or remain in the United Kingdom, you can apply for a 'change of employment' unless you are here as a private servant in a diplomatic household and your entry clearance was granted under the Rules in place on or after 6 April 2012. This is where you wish to vary your leave in the United Kingdom because you want to change your employment, either within the same organisation or with a new organisation.
163. The work will need to be with a licensed sponsor, and you must have a new Certificate of Sponsorship.
164. You will need to provide evidence of meeting the maintenance requirement where you are making an application for a change of employment.
165. An applicant under the Tier 5 (Temporary Worker) category can apply for change of employment whilst in the United Kingdom, however, we will only grant permission to stay to reach the maximum time allowed under the relevant sub-category and they will not be able to switch into another tier, category or sub-category.
166. An applicant in the creative sector making a change of employment application can only be granted leave to take their total stay up to a maximum of 12 months. If you have already spent 12 months or more in the United Kingdom in this sub-category, therefore, any change of employment application you make will be refused.

Change of circumstances

167. If during your period of employment, you wish to amend:

- personal details; or
- criminal convictions; or
- contact details; or
- representative details; or
- dependants' details

you should inform your sponsor and fill out a change of circumstances form which can be found on our website at:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/300948/CoC_Migrant_04-14.pdf

This should be sent to:

Home Office

PO Box 3468

Sheffield

S3 8WA

168. If we consider that the intended change can be treated as a change of circumstances, we will confirm this in writing and you should keep this letter with the original documents.

Multiple periods of employment in the United Kingdom

169. If you are based overseas and are required to enter the United Kingdom on a regular basis, you may be issued with a multiple entry Certificate of Sponsorship.

170. This type of certificate is not required by someone wishing to travel overseas for leisure or domestic purposes or where you are based in the United Kingdom and required to travel overseas on business.

171. Where you have entry clearance, or have been granted leave to remain for more than six months, you will not be required to obtain a new Certificate of Sponsorship in order to return to the United Kingdom for each period of employment.

172. However, if you do not have entry clearance or have been granted less than six months leave to remain and you leave the common travel area (the United Kingdom, Channel Islands, Isle of Man and Republic of Ireland collectively form a common travel area), your leave will lapse. In these circumstances, you will not be able to re-enter the United Kingdom with that leave and will need to apply for fresh leave after the sponsor has assigned a new Certificate of Sponsorship.

173. If you are coming to the United Kingdom under the Tier 5 (Temporary Worker) Creative and Sporting sub-category for less than three months, you are a non-visa national, and do not have entry clearance, you will not be able to take advantage of multiple entry.

Absences from the United Kingdom

174. You may be required to be seconded overseas during the time you are employed in the United Kingdom. A new Certificate of Sponsorship will not be required if you return to the United Kingdom before your leave expires or lapses.

175. Where your leave has lapsed on leaving the common travel area (the United Kingdom, Channel Islands, Isle of Man and Republic of Ireland collectively form a common travel area) or it expired while you were overseas, you will need to apply for fresh leave after the sponsor has assigned a new Certificate of Sponsorship.

Annex A: Administrative Review (Overseas Applications Only)

The following guidance refers to Administrative Reviews for applications made overseas only. For information about Administrative Reviews for applications made in the UK, please refer to www.gov.uk/ask-for-a-visa-administrative-review/if-youre-in-the-uk

1. What is overseas Administrative Review?

Overseas Administrative Review is the mechanism for reviewing refusal decisions made under the Points-Based System where you believe an error has been made in the decision. The Administrative Review is free of charge.

Administrative Review is an entitlement but the request must be made within 28 days from the date the refusal notice is received by you. For time limits for making a request, see further paragraphs 6 and 7 below.

Administrative Review is a non-statutory scheme; that is there is no legislation setting out what it covers or who is eligible to apply. The policy is contained in this guidance.

2. What if the Administrative Review request refers to matters outside the scope of the Administrative Review?

Where this occurs, the matters should be dealt with under the normal complaints procedure. In such cases, you will be advised in writing.

3. Who conducts the Administrative Review?

An Entry Clearance Manager will conduct the administrative review. This may mean that in some cases, an Entry Clearance Manager from another Post will conduct the Administrative Review. You may receive the result of the Administrative Review from an entry clearance post that is different to the one that considered the original entry clearance application.

3. Who can apply for Administrative Review?

Anyone refused entry clearance under Points-Based System where they believe the Entry Clearance Officer has made an incorrect decision.

4. How do you apply?

You will receive the Administrative Review Request Notice with the entry clearance refusal notice.

You must complete the Request Notice in full and send it directly to the address stated on the Request Notice.

You must not send any additional documents such as passport or supporting documents with the Administrative Review request notice. If the refusal is subsequently overturned, you will be

asked to send in your passport.

You must not use the in country administrative review application form to apply for overseas administrative review. The in country form can only be used to apply for administrative review of eligible decisions on applications made from within the UK.

5. What is the deadline for applying for Administrative Review?

You have 28 days from the date of receipt of the refusal notice, to submit a request for Administrative Review.

6. What if an application is submitted late?

Where an Administrative Review request is received outside the 28-day period, the administrative reviewer will consider if there are exceptional circumstances to accept the application outside of the deadline.

If the Administrative Review request is late and the administrative reviewer decides not to perform the Administrative Review, the request notice will be returned to you with a letter explaining why it is not being accepted.

7. How many times can you request an Administrative Review?

You may request only one Administrative Review per refusal decision. Any further review requests received for the same refusal decision will not be accepted. They will be returned to you.

However, where the Administrative Review upholds a refusal but with different refusal grounds, you may request an administrative review of these new refusal grounds.

If you have new or further information, documents or other paperwork that they failed to submit with their original application, you will need to make a new application and pay the appropriate fee.

8. How long will the Administrative Review take?

The administrative reviewer will complete their review and notify you in writing of their decision within 28 days from the date of receipt of the Administrative Review request notice.

If, in exceptional circumstances, the administrative reviewer is unable to complete the Administrative Review within the 28 days, they will notify you in writing as to when to expect a decision.

9. What will the administrative reviewer look at?

The administrative reviewer will examine the evidence submitted with the original application, copies of which will be kept at the refusal post.

You are not allowed to provide new evidence. Any new evidence must be disregarded unless you were refused under paragraph 320 (7A) or 320 (7B) of the Immigration Rules on General Grounds for Refusal (see paragraph 12).

Any new evidence submitted by you will be returned to you together with the outcome of the Administrative Review.

10. How are Administrative Review decisions made?

The administrative reviewer should focus on the areas which you have asked to be reviewed. They will check that:

- points have been correctly awarded;
- documents have been correctly assessed; and
- verification checks have been properly carried out.

The administrative reviewer may recommend that the reason for refusal should be overturned, if they find that the Entry Clearance Officer:

- failed to properly consider evidence submitted with the original application;
- failed to apply the Immigration Rules correctly;
- made a mistake in processing the application;
- failed to give adequate reasons for refusing entry clearance. In this case, the administrative reviewer will recommend the Entry Clearance Officer revoke the original refusal and serve a new refusal notice giving a full explanation for the refusal.

Where the administrative reviewer recommends in line with the above, that the reasons for refusal should be revoked, you may still be refused but with new grounds for refusal.

The administrative reviewer will not recommend that the original decision is overturned simply because you claim there is a fault with Home Office underlying processes or policies.

11. Does Administrative Review cover General Grounds for Refusal?

Yes. Administrative Review will also look at refusals on the basis of paragraph 320 of the Immigration Rules on “General Grounds for Refusal.”

Reviews of refusals made under paragraphs 320(7A) and 320(7B) of the Immigration Rules

You may submit further information with the Administrative Review request if the refusal is based on paragraph 320 (7A) or 320 (7B) of the Immigration Rules on General Grounds for Refusal.

If an application has been refused because a false document was used or a false

representation was made, you may claim that you were unaware of the false documents or false representations. The refusal will still stand but you would have to prove that you did not know that false documents or false representations were used if you are not to have any future applications automatically refused for 10 years. Where the documents related directly to you (for example, employment references, qualifications or financial details), such a claim would be likely to fail unless you have clear evidence that an error has been made (for example, written confirmation from an employer, financial institution or educational establishment that they had supplied us with incorrect information at the time we verified the original documentation).

If the administrative reviewer does accept that you did not knowingly use false documents or false representations, the refusal will still stand, but you will not automatically have any future applications refused under the rules (paragraph 320 (7B) where false documents or false representations were used.

12. Does Administrative Review cover verification?

Yes. As part of the administrative review process the administrative reviewer will ensure that the Entry Clearance Officer has followed the correct verification procedures.

13. What are the possible outcomes of Administrative Review?

There are three possible outcomes of Administrative Review:

- Uphold decision, reasons for refusal remain the same;
- Uphold decision, with revised reasons for refusal;
- Overturn decision and issue entry clearance.

14. How are you informed of the result of the Administrative Review?

Decision upheld and the reasons for refusal remain the same:

- the administrative reviewer will notify you by letter. You will not be entitled to a further Administrative Review as the grounds for refusal has not changed.

Decision upheld but with revised reasons for refusal:

- A new refusal notice (GV51) will be served along with the Administrative Review letter from the administrative reviewer stating why the refusal has still been upheld. If there are fresh reasons for refusal which we were not notified of originally, you will be able to submit a further Administrative Review request limited to those fresh reasons.

Decision overturned and entry clearance to issue:

- The administrative reviewer will notify you by letter and request the applicant's passport.

The appeal rights for PBS cases have changed for all applications made on or after 6 April 2015. You no longer have a limited right of appeal. Please see the appeals guidance for further information. This can be found on Gov.uk at www.gov.uk/government/publications/appeals-policy.