

CoS Application FAQs

February, 2024

Following SESCA's recent Certificate of Sponsorship (CoS) Application Online Workshops, we've gathered the most commonly asked questions and provided detailed responses from top immigration specialists, JMW Solicitors.

DEPENDANTS:

- 1. We would like to sponsor a prospective candidate who has valid leave to remain as a Student. If we sponsor the candidate under a Health & Care Worker visa after the immigration rules change on 11 March 2024 (restricting the ability to include dependants under a Health & Care visa), would they be allowed to keep their dependants in the country on their new Health & Care Worker visa or would their dependants have to go home?**

With effect from 11 March 2024 candidates applying for a Health & Care visa will no longer be able to bring their dependants to the UK. This change to the immigration rules will apply to both those applying for entry clearance to the UK under the Health & Care visa as well as those applying to switch into the Health & Care visa from within the UK.

Care workers (SOC code 6145) and Senior care workers (SOC code 6146) already in the route will be able to remain with their dependants, including extending, changing employer (within these SOC codes) and settlement.

Where a care worker or senior care worker is already under the Health & Care worker visa before the Immigration Rules changes on 11 March 2024, but has not yet brought dependants, they will be allowed to bring dependants during their sponsorship (on this visa).

In light of the above if the proposed candidate holds a Student visa but applies to switch their status to a Health & Care visa after 11 March 2024, they would not be able to apply for their dependants to be granted leave in line with their status and their dependants would either need to leave the UK or apply for an alternative visa category.

In addition, with effect from 01 January 2024, most international students are now no longer allowed to bring family members with them to the UK as dependants.

Changes to the UK Student route were announced in July 2023 and are now applicable to anyone applying for a UK Student visa on or after 1 January 2024, unless they are enrolling in a PhD or postgraduate research programme.

- 2. If we sponsor a student's dependant where the student has not yet completed their course of study, can we still sponsor the dependant?**

With effect from 17th July 2023 onwards, international students in the country no longer have the right to switch to a UK work visa unless their course has been completed.

It is worth bearing in mind that Student visa holders in the UK may still have the right to work during their time on that visa, depending on such factors as what they're studying, and whether they will be working in or out of term time.

If they have a spouse in the UK as their dependant, they will be entitled to make their own switch to the Skilled Worker visa if they wish, before the Student has completed their course.

If however the Student is also applying to switch to become a dependant under their Spouse's Skilled Worker Visa the Home Office will request for confirmation that the Student has completed their course. In such circumstances their Spouse could switch to their own Skilled Worker Visa and the Student could switch thereafter to become their dependant after they have completed their course of study.

3. If an employee is on a 'dependant permit', can an employer potentially sponsor in the future?

As an employer you may wish to enquire further as to the immigration status of the dependant's Spouse i.e. whether they are under a Student, Graduate or Skilled Worker visa; the expiry date of their status; any issues with their visa and if a Student when they will be completing their course as this may guide you in determining where there are any urgent deadlines to consider.

It would however be permitted for the dependant to switch at any point during the validity of their PBS Dependant Visa to a Skilled Worker/Health & Care Visa and you would not need to sponsor them prior to employment.

It is also worth noting that dependants have more flexibility than the main applicant with respect to the conditions attached to their visa in that they can work in any role as long as their salary meets or exceeds national minimum wage legislation. They can also be self-employed and you would also not need to incur the Home Office visa costs in order to sponsor the dependant under a Health & Care visa.

NEW RULES:

4. In the case of healthcare workers sponsored on a three-year sponsorship who need to renew for an additional two years before applying to settlement, it appears that the 2024 rule will not be applicable to them when seeking to extend their visa and maintain dependents in the UK. However, a question arises: must their employer still comply with the rule and raise the salary threshold to £29,000? This potential requirement could deter employers from continuing to recruit carers.

Health & Care exempt

5. Will the minimum wage of £11.44 per hour affect the £10.75 per hour?

On 01 April 2024 the UK Government will increase the National Living Wage from £10.42 per hour to £11.44 per hour for over 23's. In line with this the Home Office have confirmed that they will be increasing the individual occupation 'going rate' thresholds in line with the median full-time wage for equivalent jobs in 2023.

Whilst the National Living Wage increased to £10.42 in April 2023 the Home Office increased the minimum hourly salary threshold for Skilled Worker visas to £10.75 per hour. We are however waiting to receive further announcements from the Home Office in the coming weeks as to what the new hourly minimum salary thresholds will be post April 2024.

6. We have two employees: one with a student visa and one on a graduate visa. When their visa comes to an end, we wish to sponsor them, so we will need to apply for a skilled worker visa and therefore need a COS licence is this correct? As they are already working does the new minimum wages for entering the country apply to them?

In order to employ a candidate subject to immigration control, whether they are applying from outside of the UK for entry clearance under the Health & Care Visa or applying to switch immigration categories from within the UK to a Health & Care Visa, you, as an employer, will first need to apply to UK Visas & Immigration to be granted a Sponsor Licence. This application can take up to 8 weeks to be approved however

Following a change in Home Office policy, the requirement for sponsors to renew their sponsor licence every four years is being abolished from 6 April 2024. UK sponsor licences due to expire on or after 6 April 2024 are now being automatically extended by 10 years, although if your Sponsor Licences is expiring prior to 6 April 2024 you must apply to renew your Sponsor licence.

Once your Sponsor Licence application has been approved you will be granted access to the Sponsor Management System (SMS) to enable you to assign a Certificate of Sponsorship (COS) to your employee. In this case as the proposed candidates are within the UK and subject to immigration control you would assign an Undefined Certificate of Sponsorship. Within the Certificate of Sponsorship you would have confirmed that you will be providing the candidate with a minimum guaranteed salary based on the candidate working a minimum number of hours per week, which must meet the minimum salary thresholds required for a Health & Care worker visa (£20,960 based on a 37.5 hour working week) in order for the proposed candidate to be granted a Health & Care Worker visa.

CONTRACTS:

7. We received the following from the Home Office as part of their 'Request for Additional Information' when we recently applying for an Undefined Certificate of Sponsorship:

‘Evidence of new individual care contracts currently in place with local authorities or private companies which need to be serviced with an explanation as to why this cannot be fulfilled by your current workforce. Please note that any contract provided must confirm the hours/volume of work you will receive, and we cannot accept Spot purchase/Dynamic framework agreements alone as these documents cannot be considered as a guarantee that care contracts will be offered’.

We have sent the Home Office proof of all the jobs we have but we still received a rejection from the Home Office. What proof are the Home Office seeking?

It is no longer possible to submit prospective COS applications, with approvals now based on ‘actual’ business needs rather than ‘speculative’ needs. Thus any contracts must evidence a genuine need for additional work/employees within your organisation.

The Home Office are seeking evidence of contracts to establish that you have enough hours of work to provide to prospective candidates. The contracts you provide need to demonstrate that the business has been provided with actual imminent work resulting in the creation of additional work hours that the business needs to fulfil. After you demonstrate that these contracts have created an increase in work hours that the business needs to fulfil, you need to demonstrate that your current workforce is not sufficient to fulfil these additional work hours provided under the contracts. You can demonstrate that the current workforce cannot satisfy the additional work provided under the contract in several ways, including:

- A. Copies of rotas demonstrating that do not have sufficient people to undertake all rotas -highlighting specifically the gaps in rotas which explains the business need to recruit further.
- B. Provide a mathematical breakdown of hours. Provide a breakdown of total hours required by staff, including new hours you need to fulfil under the new contracts. Then calculate how many hours your current staff can provide under their employment contracts. The difference between these two figures would demonstrate the gap in workforce and then explain why you need a specific number of new employees for that gap, i.e., there is a gap of 200 hours a week and thus you need 5 employees at 40 hours a week.
- C. Provide evidence that your current workforce is working overtime to fulfil current hours and thus there is a need for more staff.
- D. Provide evidence that you are currently using agency workers due to the gap in staffing
- E. Evidence of recent employees leaving their roles

Please note that the Home Office now can either refuse your request to be granted Certificate of Sponsorship’s outright, grant it outright or grant it partially if you are not able to prove a genuine business need in order to recruit additional members of staff that are subject to immigration control.

8. With regards to 'genuine need' we had a real issue as a nursing home proving our need. The Home Office seem to be treating the whole of care as domiciliary agencies and expect us to be able to evidence new contracts that we can assign to staffing needs but as a nursing home we don't have fluctuating contracts were simply trying to fill the recruitment gap left by Covid and in the care sector in general.

Would you have any advice on how best to evidence and explain this to the Home Office because in our latest application, our case handler seemed to miss the point entirely.

The Home Office are seeking evidence to establish that you have enough hours of work to provide to prospective candidates and thus we understand that it would seem that they have a blanket approach to all care services and do not differentiate between them.

Whilst you might not have new local authority contracts like Domiciliary care providers, as a nursing home, you should have contracts with your individual patients. Even though this may be a heavy administrative task, you should provide copies of contracts for all bed you have occupied.

This will demonstrate the 'imminent' business needs and affirm the request for additional Certificates of Sponsorship is not based on a 'speculative' business need.

You will then need to demonstrate that the current workforce cannot satisfy the imminent work needs in the same way any other care provider would and this can be done in several ways, including:

- A. Copies of rotas demonstrating that do not have sufficient people to undertake all rotas -highlighting specifically the gaps in rotas which explains why your organisation needs to recruit further staff.
- B. Provide a mathematical breakdown of hours. Provide a breakdown of total hours required by staff, including existing hours you need to fulfil under the current contracts. Then calculate how many hours your current staff can provide under their employment contracts. The difference between these two figures would demonstrate the gap in workforce and then explain why you need a specific number of new employees for that gap, i.e. there is a gap of 200 hours a week and thus you need 5 employees at 40 hours a week.
- C. Provide evidence that your current workforce is working overtime to fulfil current hours and thus there is a need for more staff.
- D. Provide evidence that you are currently using agency workers due to the gap in staffing.
- E. Evidence of recent employees leaving their roles.

Please note that the Home Office is being stringent with granting certificates as the burden is on the sponsor to demonstrate there is an imminent need for additional employment and it is not speculative.

TIMELINES:

- 9. I submitted a Certificate of Sponsorship application in November 2023. I then received a Request for Additional Information, which was sent back for the deadline of 6th December 2023 however I am still waiting for an outcome.**

Unfortunately, the Home Office historically known for swift approvals of certificate of sponsorship requests by employers, has undergone a transformation in its approach in response to systemic abuses within the immigration system including instances of unscrupulous employers providing falsified information and engaging in deceptive practices, which has subsequently prompted the Home Office to institute a more rigorous approval process.

In addition combined with the changes to the Immigration Rules announced by the Home Office on 04 December 2023 It has become very difficult to secure a priority service for requests to be granted additional Undefined Certificates of Sponsorships. (No priority service for Defined Certificates of Sponsorship)

Even if you are lucky enough to secure a priority service there is no guarantee this will be considered within 5 working days as a Request for Additional Information is inevitable. There are only 60 slots available on a daily basis for a priority service and at present the Home Office claim they are receiving over 1000 requests per day.

You are then likely to receive a Request for Additional Information within 1-2 weeks of your approval under the Priority Service. You will then have 5 working days to provide representations and documentary evidence in support of your application for additional certificates, followed by a further 1-2 weeks for the Home Office to provide a decision on whether to approve or reject your request.

If you are unable to secure a priority service, then it can take between 2-6 weeks to receive an email from the Home Office requesting additional information in support of your request for additional Certificates of Sponsorship.

You will then have 5 working days to provide representations and documentary evidence in support of your application for additional certificates, followed by a further few weeks for the Home Office to provide a decision on whether to approve or reject your request.

The overall process using standard service can currently take up to 18 weeks.

10. What happens to a candidate if their current visa is expiring and the Home Office is taking their time to issue us with a Certificate of Sponsorship that we can then assign to the candidate to allow them to apply for a Health & Care Visa?

Where you are faced with the above scenario it would need careful management and we would suggest you follow the process below:

- A. You should ensure that you do all that you can to progress the candidate's visa application prior to the expiry of their visa as this could affect their Right to Work and continuous residency requirements in order to qualify for Indefinite Leave to Remain.
- B. You should request for a priority service with UKVI in order that your request for additional certificates of sponsorship are processed as quickly as possible.
- C. At present the Home Office are receiving over 1000 requests for a priority service with only 60 slots available per day therefore if you are unsuccessful in obtaining a priority slot you can email the Home Office on scoc@homeoffice.gov.uk to request you are granted a priority slot outside of normal procedures, explaining your circumstances and the urgency together with evidence of the candidate's upcoming visa expiry date.
- D. If you still remain unsuccessful in securing a priority service prior to the candidate's visa expiring the last resort would be to seek legal advice in order to submit an interim Skilled Worker/Health & Care Worker visa highlighting the issues in obtaining a Certificate of Sponsorship prior to the candidate's visa expiring or in order to submit an alternative visa application.
- E. The Home Office will then hold the candidate's Skilled Worker/Health & Care Worker application until you are in a position to assign a Certificate of Sponsorship to your candidate.
- F. As an employer you should also retain a copy of their submitted visa application to evidence the candidate has submitted an in-time application and use the Employer Checking Service to receive a positive verification notice (which will be valid for 6 months) in order to continue employing the candidate within your organisation.

11. If we have an employee who we have assigned a Certificate of Sponsorship and whose visa expired on the 31/01/2024, can they continue to work for us while they wait the result of their visa application?

They applied for the new visa on the 28/01/2024 and we have done an Employer's Right to Work check that confirmed they can keep working for us while they await the result of the application.

If, on the date on which your employee visa expires you are reasonably satisfied that your employee has submitted an in-time application to the Home Office to extend or vary their permission to be in the UK then the employee can continue working for you whilst they wait for their visa application.

You should request a copy of their submitted visa application which contains a date and time stamp to confirm their application has been submitted prior to their visa expiring.

You should then use the Employer Checking Service (<https://www.gov.uk/employee-immigration-employment-status>) in order to confirm their continued right to work.

Your statutory excuse will continue from the expiry date of your employee's permission for a further period of up to 28 days to enable you to obtain a 'Positive Verification' from the Employer Checking Service. This provides you with a statutory excuse for 6 months from the date in the notice.

REPORTING DUTIES

12. How long should an employer keep an employee under a sponsor license if the employee keep saying they can't not come to work because of the issue they having in their lives or sickness.

If your employee falls sick while they are working for you under a Health & Care Worker visa they will need to follow the correct procedures in reporting their illness and you should treat sponsored employees in the same way as you would for non-sponsored employees who are on sick leave.

If the sponsored employee is absent for a combined period of four weeks you will need to report this via your SMS system to UK Visas and Immigration. However as this is an authorised absence for a valid reason, their sponsorship should not be impacted.

If the sponsored employee does not inform you as to why they are absent, and they do not work for 10 or more days without permission, then their unauthorised absence will have to be reported to the UKVI.

Where the sponsored employee receives statutory sick pay, this is likely to be lower than what their normal salary which could take the sponsored employee below the minimum salary they need to meet their Skilled Worker Visa requirements. However, this should not have any impact on their visa and will not need to be reported to UKVI and you will not have to end their sponsorship of the sponsored employee over their salary being temporarily reduced.

13. What do you do if the hours you had have gone down and you cannot give all the COS employees that contracted hours?

When you assign a Certificate of Sponsorship to a candidate applying for a Skilled Worker Visa, you would have confirmed within this document that you will be providing the candidate with a minimum guaranteed salary based on the candidate working a minimum number of hours per week.

In accordance with your Sponsor Licence duties, you are duty bound to pay your employees at the salary and hours stipulated in the Certificate of Sponsorship, even where you may have lost a large contract and your hours you may have had has gone down.

The only exception permitted by the Sponsor Licence guidance is where there has been a temporary reduction in the worker's hours, or a phased return to work, for '*individual health reasons*'.

For employer considering a reduction in salary:

- A. You must notify the Home Office via your SMS system if a worker's salary is reduced for a reason not related to a permitted absence after you have assigned a CoS.
- B. If as a result of the deduction in salary and hours, the worker would continue to be eligible for points for salary you can continue to employ the worker under a Skilled Worker Visa, no further action is required.

HOWEVER:

If their revised salary no longer meets any salary, hourly or going rate requirement for the job or the route on which they are being sponsored, or the change is otherwise not permitted by the Immigration Rules or sponsor guidance you must stop sponsoring them.

- A. You must tell notify the Home Office you have stopped sponsoring the worker via your SMS account. At this point you will have no further responsibility for the candidate and will have discharged your duties towards them in compliance of your Sponsor Licence duties.
- B. Depending on how long the employee has worked for your organisation you will then be entitled to a refund of any portion of the Immigration Skills Surcharge that is outstanding.
- C. The employee will then receive correspondence from the Home Office curtailing their visa to 60 days within which time they must either leave the UK or submit a fresh application to work with another organisation.
- D. The Home Office have recently introduced smart checks with HM Revenue & Customs which will automatically alert them should an employer not be paying their employee in accordance with the salary/hours stipulated within their Certificate of Sponsorship.
- E. Failure to abide by your Sponsor Licence duties could subsequently result in a compliance audit by the Home Office and possible suspension of your Sponsor Licence.

ASSIGNING COS:

14. I applied for a defined cos at the beginning of January 24 but stated 39 hours ... should this have been 37.5?

This would in part depend on the salary you had confirmed when you submitted your request for a Defined Certificate of Sponsorship. If you had stipulated the minimum salary threshold to qualify for a Health & Care Worker visa i.e. £20,960 then this is based on a 37.5 hour working week. Where you had stipulated a working week of 39 hours a week then the minimum hourly salary threshold will be below £10.75 per hour (£20,960 / 39 hours/ 52 weeks = £10.33).

In light of the above you could either withdraw the request for the Defined Certificate of Sponsorship and re-submit the request or if you receive a Request for Additional Information you can address the error when replying to the Home Office.

15. I was allocated 13 Certificates of Sponsorship after identifying 13 individuals but then one of the 13 decided to resign and accepted a role with another organisation and will be sponsored elsewhere. Would I be permitted to assign that Certificate of Sponsorship to another applicant?

This would in part depend on whether you had already assign a Certificate of Sponsorship to the candidate who had resigned. If you had already assigned your CoS to the employee it would not be possible to assign this to another applicant since it would be deemed as 'used' on your Sponsor Licence. In this case whilst you will not be entitled to a refund of the £239 fee for the Certificate of Sponsorship you should report via your Sponsor Management System that the employee has resigned. This will then trigger a refund of the Immigration Skills Surcharge as the CoS was assigned but not subsequently used to support an Entry Clearance application or Leave to Remain application.

If however you have not assigned the Certificate of Sponsorship to the employee before they resigned it would be possible to allocate that Certificate of Sponsorship to another applicant.

16. For each Certificate of Sponsorship we have applied for, do we need to show the recruitment exercise?

Whilst the Resident Labour Market Test (RLMT) was removed by the Home Office in January 2021 by the Home Office (i.e. the mandatory requirement to advertise the role in specified mediums for a minimum period of 28 days and evidence that there were no suitable British or settled workers able or willing to undertake the role), the Home Office have reverted back to requesting evidence of how you recruited the prospective candidate and questioning the credibility of the prospective candidate you have identified in order to ensure that it amounts to 'genuine and credible' employment.

17. We have a Care Assistant who has recently been promoted to be a Care Team Leader and Admin. Do they need to have a new CoS for that new role even if they still work as a full time carer?

In this instance where your employee has been promoted from a Carer under SOC Code 6145 to a Care Team Leader but their role remains within the same SOC Code

you would not need to assign a new CoS for that role. As an employer you should however be careful that whilst the employee will be undertaking a more managerial role their core duties are still that of a full-time carer and thus you should be careful in the candidate undertaking more administrative duties that do not fall under the scope of a carer. It would also be advisable to report the employee's new job title and salary increase on your Sponsor Management System.

If, however the change in the employee's role results in a different occupation code e.g. from a Carer to a Senior Care Worker you would need to assign a new Certificate of Sponsorship for this new role following which the employee would need to apply for a new Health & Care visa. Once their new Skilled Worker visa has been approved, the employee would then be able to commence their new role.

If you have assigned a certificate of sponsorship to someone in your organisation who moves to a new job in your organisation, you'll need to assign them a new certificate. They will use this to apply for a new visa. You only need to do this if the new job has a different occupation code.

You must pay the immigration skills charge for the full length of their visa. If the new certificate of sponsorship allows the worker more time on their visa, you'll need to pay for this extra time.

You do not need to pay the additional immigration skills charge if the new certificate of sponsorship does not extend the time on your sponsored worker's visa.

18. How can you provide addresses in Domiciliary Care Worker on a CoS when the addresses are differing clients - often changing regularly?

Since schedules for Domiciliary Care Workers may be subject to changes and can be varied, possibly involving different clients and locations within a single day or week, the address for the place of work for Domiciliary Care Worker should be either the registered address for the company or the trading address for the company.

In addition, you would be expected to keep an up-to-date rota for your sponsored employees so that you are aware of where they are working on each shift on a single day or week.

19. If an provider issues a defined COS, the candidate then applies for their Health & Care Visa and get refused due to their IELTS English test result. The candidate subsequently resits their IELTS English test and gets the correct results. Can the candidate re-apply for the visa using the same COS.

Once you have assigned a Certificate of Sponsorship to an employee it will show in your SMS system as 'used'. A Certificate of Sponsorship can only be used once therefore if your prospective employee's application is withdrawn or rejected, it will show in your SMS system as 'assigned'. If the prospective employee wishes to re-apply you must assign a new Certificate of Sponsorship to the prospective employee.

OFTED V CQC

20. Does a new Domiciliary Care provider have to approved and regulated by the Care Quality Commission for Domiciliary Care before a Home Office Sponsor License is granted?

In order to evidence that your organisation is 'genuine, operating lawfully and is based in the UK', where there is a mandatory requirement for your organisation to be regulated by the Care Quality Commission (CQC) in order to provide domiciliary care services you would need to ensure that your application for regulation by the CQC has been approved before you apply for a Home Office Sponsor Licence.

21. We provide Supported Living services for patients aged between 16 to 18 years of age. Does this mean that Care Workers sponsored under SOC Code 6145 cannot work for us?

SOC Code 6145 (Carers) and SOC 6146 (Senior Care Workers) can only be used for the provision of adult social care services. Furthermore Supported Living Services for children would be regulated by Ofsted and not the CQC and thus not qualify under the Health & Care visa.

In light of the above where your organisation provides Supported Living Services to patients aged 16 to 18 years of age, it would not be possible to sponsor employees under SOC Codes 6145 or SOC Code 6146. You would be able to consider e.g. Social Workers under the Skilled Worker Category however the prospective candidate would be liable to a higher application fee and would also need to meet the costs of the Immigration Health Surcharge.

SUPPLEMENTARY EMPLOYMENT

22. With respect to sponsored employees undertaking supplementary employment, would the sponsored employee be restricted to only working 20hrs a week or would we be able to consider a cumulative period of 80hrs a month?

Sponsored Employees under either a Health & Care Worker Visa or a Skilled Worker visa can work up to 20 hours a week in another job or for their own business, as long as they are still doing the job they are being sponsored for. Their work must be either:

- in the same occupation code and at the same level as the job they are being sponsored for; or
- in a shortage occupation

The supplementary employment must not exceed a maximum of 20 hours a week and cannot be cumulative whereby the employee works more one week and less the following week.

If their additional job is for more than 20 hours a week, as an employer you could issue the sponsored employee a new certificate of sponsorship as their second employer following which the sponsored employee could apply for an update to their Skilled Worker Visa.

23. Are we obligated to check if the worker is getting their primary hours? And how would we do this? What if we discover that they have not been provided with the requisite hours by their current employment?

Where you are considering employing a candidate seeking supplementary employment to work an additional 20 hours a week you should consider the following:

- a. You should ensure that the candidate is doing the main job they are being sponsored for and that any supplementary work takes place outside of their core working hours.
- b. If the worker undertakes additional employment that does not meet the supplementary employment criteria (e.g. they are not working for their current employer) the worker will be in breach of their conditions of stay.
- c. Their current employer could face the possibility of a Compliance Audit by the Home Office and the possibility of their Sponsor Licence being revoked for not abiding by the hours/salary they had confirmed when assigning a Certificate of Sponsorship to the potential employee.
- d. The potential employee also faces the possibility of their visa being curtailed to 60 days within which time they will need to apply for a new Skilled Worker visa in order to work in the UK.
- e. In addition the definition of illegal working is 'knowingly employing an illegal worker or having reasonable cause to believe the employee has no right to work' thus where you may be 'aware' that a prospective candidate may be in breach of the conditions of their Skilled Worker visa you could potentially be employing them illegally.

In light of the above it would be better to consider employing them on a full-time basis under your Sponsor Licence rather than run the risk of employing them without the necessary permission or authority to work in the UK.

COMPLIANCE:

24. What happens to our existing staff who are currently working for our organisation in the event that our Sponsor License is suspended by the Home Office?

If the Home Office suspect that you are breaching your sponsor duties and/or pose a threat to immigration control or believe you are engaging in behaviours or actions that are not conducive to the public good, they may suspend your licence while they make further enquiries.

In this event the following circumstances will apply:

- A. You will not be able to assign any Certificates of Sponsorship (Undefined or Defined) while your licence is suspended.
- B. You must continue to comply with all sponsor duties throughout the period of suspension.
- C. Workers you are sponsoring at the time of the suspension, and who have valid permission to enter or stay, will not be affected, unless or until the Home Office decide to revoke your licence.
- D. If the Home Office decide to revoke your licence, you will receive written notification of the same. There is no right of appeal and you will not be allowed to apply for a sponsor licence again until at least 12 months have passed since the date we notified you of the revocation.