Home Office

Tier 2 & 5

Points-based system sponsor licensing: maintenance

Version 12.0

Contents

About this guidance

This guidance tells caseworkers how to deal with post-licence changes relating to sponsors and how to review and monitor a sponsor's activity.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you, or you think that the guidance has factual errors, then email the Migration Policy Unit.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance, then you can email the Guidance Rules and Forms team.

Clearance and publication

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

- version **v12.0**
- published for Home Office staff on **18 October 2017**

Changes from last version of this guidance

Changes made in this version of the guidance are as follows:

- the document has been transferred to a new guidance template and a number of formatting and structural changes have been made as a result
- a section on making a licence dormant has been included
- most other pages have been completely re-written

Related content
Contents

Change of circumstance requests

This section explains how sponsors tell Sponsor Operations of changes to their details and how these are processed.

Reporting change of circumstance requests

The sponsor's level 1 (L1) user must tell Sponsor Operations of any change of details online using the 'change of circumstances' function in the sponsor management system (SMS) within 10 working days of the change taking place.

When sponsors send a change of circumstance (CoC) request through the SMS, they must also send their submission sheets, and any documentary evidence (if required), to Sponsor Operations. They must do this within 10 working days of the date they submit the request online.

Change of circumstances form

If a sponsor does not have an existing level 1 user who can access SMS, you must email the sponsor's Authorising Officer (AO) and Key Contact (KC) instructing them to appoint a new L1 user by sending in a change of circumstances form.

After the sponsor has appointed a new L1 user, they can submit change requests on SMS.

If a sponsor has no key personnel with access to SMS and wishes to surrender their licence, they can use the change of circumstances form to request licence surrender.

How requests are processed by workflow

Submission sheets are sent to Sponsor Operations and will be logged for each case under 'cases and all notes' in Metastorm, which can be viewed once you have allocated the case to yourself.

Related content
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Starting a case

This section explains how to start processing a change request case, in what circumstances submission sheets and supporting evidence are mandatory, and how to check and request these from a sponsor.

Select and assign cases

You can search for, view and allocate change request cases to yourself in Metastorm by completing the following steps:

1. Click on Administration Forms (top left hand corner) and press ‘Select and Assign Case’.
2. Under Filter Criteria, select a case type from the drop down box of workstacks.
3. Select a Tier 2 or Tier 5 sponsor, click on ‘Select to my To Do List’ and press the submit button (bottom right hand corner).
4. Click on the ‘To Do List’ and select sponsor case.

Use the select and assign case user guide for visual prompts.

Review request and sponsor’s URN

After you have allocated the case to yourself, you must read the details of the change request and note the unique reference number (URN):

1. Click on the ‘To Do List’ and select sponsor case.
2. Select the ‘Review request’ tab at the top left hand corner of the screen.

Read the request and copy the URN from the ‘Review request’ screen, which will be needed for performing a sponsor summary search on the sponsor.

Supporting evidence

Supporting evidence is not mandatory for all change requests. Whether additional documentation is required and what is required, is dependant on the type of change requested and will be set out under the ‘evidence’ sections of Change requests.

Where you require evidence and it is not received either with the initial application or after a write out, you must follow the guidance on requesting further information.

All documentary evidence the sponsor sends must be original or certified copies. A certified copy is one including a wet signature from either:

- the issuing authority
- a practicing barrister
- a solicitor
- a notary

- a chartered accountant (for certification of self produced financial documents only)

The certifier must confirm the copy of the document by:

- writing ‘Certified to be a true copy of the original seen by me’ on the document
- signing and dating it
- printing their name under the signature
- adding their occupation, address and telephone number

If a document has more than one page the pages must be bound together and the certification statement must include the number of pages the document contains. If a certifier’s details cannot be verified, you must reject the document.

Printouts of PDF files are copies of an original document and must be certified in line with guidelines above. The certifier must confirm that they have seen the original email containing the file.

You must not accept documents that have only been stamped with a company name.

Submission sheets

Submission sheets are not mandatory in all cases. It is only mandatory that the sponsor sends in a submission sheet with a signed declaration to support their requests:

- to replace their authorising officer (AO)
- to appoint a new representative
- surrendering a licence
- making a licence dormant

The sponsor must print out submission sheets and declarations necessary to their application and send them to workflow. The workflow team will update Metastorm with the fact that a wet signature has been seen and the name of the individual who has signed the submission sheet. The submission sheet will be sent to Iron Mountain Storage and can still be recalled, if required.

To check whether the submission sheet has been sent you must:

1. Open the case in sponsor summary search.
2. Go to the ‘all notes’ tab and look under ‘case notes’.
3. Check for the notes confirming the submission sheet has been received by workflow.

If it has been received, you must:

1. Open the ‘submission sheet received’ perform action.
2. Under ‘status’, click the drop down box and select ‘completed’.

3. Under 'outcome', click the drop down box and select 'result'.
4. In the Status Comments box type in: 'Signed submission sheet received - signed by (insert signature name) - dated (insert date signed)'.
5. Click 'Update Action'.

Wet signatures

The AO or representative must provide a wet signature on a submission sheet in the following circumstances:

- dormant requests
- replacing an AO:
    - requires a signature from the new AO
- adding a representative:
    - requires a signature from the new representative and the existing AO
- surrendering a licence:
    - requires the AO's signature on the surrender declaration

The workflow team will note metastorm with the fact that a wet signature has been seen and also the name of the individual who has signed the submission sheet. In a change to current process, the submission sheet will not be scanned but instead be sent to storage but can still be recalled, if required.

Submission sheets not received

You must wait for up to 10 days after the electronic change request has been submitted on the sponsor management system (SMS) for the submission sheet to be sent in. After 10 days, the submission sheet is considered 'not received'. In circumstances where the submission sheet is not received and the case type is:

- to replace an authorising officer (AO), you must:
    - reject the case by completing and sending the rejection letter using the template in the shared drive
    - in the rejection letter, tell the sponsor that they need to re-send their request to replace their existing AO
    - set a diary action in Outlook calendar for 10 days to make sure the request is resent (if it is not sent, follow the non-cooperative sponsor process)
- to appoint a new representative, you must:
    - reject the case by completing and sending the rejection letter from the shared drive
- to surrender a licence, you must:
    - send a copy of a surrender declaration, found in the shared drive, to the sponsor and request that they fill out and return it within 10 days
    - if the declaration is not received after 10 working days, request the declaration, waiting 10 working days for a response- if there is no response, follow the non-cooperative sponsor process

Where the sponsor has not sent a submission sheet and is not one of the case types listed above, no further actions are required.

You must make sure that all actions taken are recorded in Metastorm perform actions under 'submission sheet received'.

1. Under Status, click the drop down box and select 'Completed'.
2. Under 'Outcome', click the drop down box and select 'Result'.
3. In the Status Comments box type in that the submission sheet was not sent and what actions were taken, if required.
4. Click 'Update Action'.

Related content
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Further evidence or information needed

This page tells you how to request further documentary evidence and information from a sponsor, and what to do if a sponsor is non-cooperative.

Request information or documentary evidence

To request information or documentary evidence from a sponsor, you must complete the following steps:

1. Write to the sponsor by completing the request further information letter template in the shared drive.
2. Bring forward (b/f) the case for 10 working days.
3. Note the information or documentary evidence requested, the b/f date and the length of b/f in Perform Actions under ‘Further information required’.

All requests for information or documentary evidence from sponsors, the relevant records / evidence of attempts to contact the sponsor and / or representative need to be recorded in Metastorm perform actions.

Recording correspondence

You must make sure that dates and times of telephone calls (successful or unsuccessful) are recorded and that email read receipts requested are saved in your personal read receipt folder in outlook. Read receipts should always be saved in a shared folder that is accessible to others on team in Outlook.

Further information or documentary evidence not received

Where further information or documentary evidence is requested and not provided by the sponsor, you must decide whether to write out or reject the case based on the case type:

- replacing authorising officer (AO) or appointing a new representative:
  - you must reject the case
- updating organisation details or change of address / name:
  - check if you can find the missing information by looking at other sources such as Companies House, accrediting bodies, the sponsor’s website
  - if you cannot find the information yourself, you must write out for the documentary evidence and information required
- ‘change of circumstances other other’ or add a branch or linked entity:
  - you must refuse the request, tell the sponsor to resend with the documentary evidence
- surrender:

    - write out for further information and documentary evidence to do with migrants connected to the licence
- take over, merger or demerger:
    - write out for information, especially if migrants are being transferred under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) arrangements or similar protection

Where a sponsor fails to respond to your requests for information or documentary evidence, you must follow the non cooperative sponsor process. You must make sure all actions taken are recorded in Metastorm in the status comments of the ‘Further information’ perform action.

Non-cooperative sponsor process

Where the sponsor does not respond to your initial request for further information or documentary evidence, you must:

- write out a second time by completing the request further information letter template in the shared drive
- if the further information is not sent again, or you receive no response to your enquiries, telephone the sponsor

If the sponsor does not provide the necessary information or evidence, or you receive no response to your enquiries, you must:

- reject the request
- complete a SCT referral form and refer to the Sponsor Compliance team

You must make to record all telephone calls and read receipts appropriately.

Related content
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Reject

This page explains how to reject a case.

To reject a case:

- fill in a 'change of circumstances (CoC) request rejected notification' letter from the shared drive
- send the letter by email to the authorising officer (AO) and at least one other member of key personnel
- make sure all correspondence is logged in outlook

You must then complete the following steps in Metastorm:

1. Click on the case in the 'To Do' List.
2. Press the 'Perform Actions' button.
3. Click on the Decision summary action.
4. Under Status select 'Completed'.
5. Under Outcome select 'Result'.
6. In the Status Comments box, type in the reason for the rejection and confirm whether a rejection letter has been sent.
7. Click 'Update Action'.

Related content
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Shared drive

This page contains the link to the shared drive, where all letter templates and user guides are stored.

The destination of the shared drive can be found using the following address:

T:\She_Shared\Sponsor Licensing Unit\Post-Licence Casework Team\Guidance 2017

Related content
Contents

Checks and perform actions

The subsequent pages in this section contain instructions on how to perform the various checks and considerations, called ‘perform actions’, required when completing a Change of Circumstances request.

Once you have allocated a case to yourself, you must open the pre-populated list of ‘perform actions’ for that case in Metastorm by opening the ‘perform actions’ tab in the sponsor summary search ‘viewing in progress’ page.

The checks you must perform vary for each case type, and are listed accordingly in the Maintenance perform actions template.

Once you have performed a check, you must record the full details of the check done and the outcome in ‘status comments’ of the relevant perform action, except for allocation change requests, where the results of your checks must be recorded in the certificate of sponsorship (CoS) allocation template, which can be found in the shared drive.

If the outcome of the check raised concerns about non-compliance and requires further investigation, you must:

- read the guidance for that check
- discuss the case with your line manager
- consider referring to the Risk Assurance and Capability Unit (RACU) or the Sponsor Compliance team
- consider completing an IMS referral form

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Official – sensitive: end of section

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Sponsor summary search

This page tells you how to use the sponsor summary search function in Metastorm to access information about a sponsor's licence history and current or outstanding applications.

You must perform a sponsor summary search for all maintenance case types.

To perform a sponsor summary search in Metastorm, you must complete the following steps:

1. Click on Blank Forms icon and select 'Sponsor Summary Search'.
2. Paste the sponsor's URN into the URN tab and click search.
3. Click the sponsor and press the submit button.
4. Review the information held under each tab.

It is necessary to perform a sponsor summary search when completing checks as these tabs allow you to access the following tabs:

- Summary: to ensure the 'Sponsor Status' reads as 'Licensed and Fully Active'
- sponsor: organisation details
- application: size of company, tier information, accreditation registration
- cases linked to sponsor: view this to look at any outstanding requests / issues
- granted tiers
- allocation history
- rating history: A rated or B rated
- sponsor visits: view this to look for any obligations for example restrictions, any revoked tiers
- markers: look here for any alerts or flags
- all notes

This information from Metastorm means you can build a full picture of the sponsor's previous and current activity and identify whether:

- the sponsor's previous activity provides any cause for concern
- any requests the sponsor submits indicate any changes to their business or structure that they have not notified the Home Office about

When reviewing the sponsor's licence history and related activity you must consider:

- the duration or length of time the licence has been active
- when mandatory checks were last undertaken
- the number of requests submitted by the sponsor against the size of the organisation
- compliance activity (including re-rates and suspensions)
- whether the information held on the sponsor licence is accurate
- visit history

If you consider there is evidence of non-compliance or further investigation is required, you must talk to your line manager, explaining your findings from the review of the sponsor's licence and whether it is appropriate either to:

- request further information
- refer the case to the Risk Assurance and Capability Unit (RACU) or compliance

Related content
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Check licence status, tiers and categories

This page tells you how to perform a licence status check, and check the sponsor's tiers and categories.

This check is mandatory for all maintenance case types.

To perform a licence status check, you must copy the sponsor's URN and perform a sponsor summary search in Metastorm.

Details of the sponsor's tier, rating and licence status will be found in the top right hand corner of the sponsor summary search 'viewing in progress' screen. Any pending considerations for suspension or revocation will be found in the 'cases linked to sponsor' and 'markers' tabs.

If there is any suggestion that the sponsor is involved in suspension or revocation action, you must discuss with your line manager and check for outstanding non-compliance activity, following the relevant instructions.

To close the check in Metastorm, you must:

- note the sponsor's rating and licence status in 'status comments' of 'check licence status' perform action in Metastorm
- note what tiers and categories the sponsor operates in 'status comments' under 'check tiers and categories' perform action
- make sure any actions taken as a result of the check is also recorded
- under 'status' select 'completed'
- under 'outcome' select 'result'
- then 'update action'

Related content
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Review sponsor licence history

This section explains how to use a sponsor summary search to review the sponsor's licence history.

You must review the sponsor licence history in all maintenance case types.

Reviewing the sponsor's licence history prompts caseworkers to gather information about the licence that gives a more detailed understanding of the sponsor's current and past compliance with the Immigration Rules and sponsor guidance.

When reviewing the sponsor's licence history and related activity, you must do a sponsor summary search and read through the information below the tabs, noting:

- the length of time the licence has been active
- when mandatory checks were last undertaken
- the number of change requests submitted by the sponsor
- the size of the organisation:
  - you can determine whether information about the sponsor's size is correct by comparing it to the sponsor's entry on the Companies House website
  - if unable to establish the sponsor's size in Metastorm, the application tab on the pre-licence case will show the number of employees
- compliance activity (including re-rates and suspensions):
  - evidence of compliance activity should prompt further checks for check for outstanding non-compliance
- whether there are any discrepancies in the information held about the sponsor
- the sponsor's compliance visit history

You must do this to find out whether the sponsor has been flagged as a high profile case, or whether there are any outstanding non-compliance issues. High profile cases must not be given an outcome without referring for advice from senior management.

To close the check in Metastorm, you must:

- open the 'review sponsor history' perform action
- in 'status comments', write:
  - the results of the check
  - all actions taken
- under 'status', select 'completed
- under 'outcome' select 'result'
- then 'update action'

Related content
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Review visit history

This page tells you how to review a sponsor's visit history.

You must review the sponsor's visit history for all maintenance case types.

To review the sponsor's visit history, you must check the 'visit history' screen in Metastorm.

If the sponsor has been visited, you must review the sponsor's visit history and, if the sponsor has been visited within the lifetime of the licence, review the visit report, making sure to note any concerns in the 'review visit history' perform action.

This will help you understand the sponsor's compliance history and, if the sponsor's circumstances have changed since the last visit, you must discuss whether you will need to refer to the Risk Assurance and Capability Unit (RACU) or compliance with your line manager.

To close the check in Metastorm, you must:

- open the 'review visit history' perform action
- in 'status comments':
  - type in the results of the check
  - all actions taken
- under 'status' select 'completed
- under 'outcome' select 'result'
- then 'update action'

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Check for outstanding non-compliance activity

This page tells you how to identify current or potential non-compliance action outstanding against the sponsor and key personnel.

You must check for evidence of outstanding non-compliance for all maintenance case types.

Non-compliance activity includes:

- surrender, suspension and revocation of the licence
- downgrading of the sponsor's licence
- outstanding action plans

You must search for information held against:

- the sponsor licence, using Metastorm:
  - perform a sponsor summary search and look under 'Cases linked to sponsor', 'action plans' and 'all notes' tabs
- the sponsor and key personnel, in the following spreadsheets:
  - licensing bans
  - non-genuine vacancy

Cases linked to sponsor, action plans and all notes

You must check the 'Cases linked to sponsor' tab in Metastorm to see whether non-compliance action has been taken against the sponsor in the last 4 years, and 'action plans' and 'all notes' to see if there is any further information relating to the sponsor's compliance history.

If the sponsor has outstanding compliance issues such as outstanding re-rate A to B decisions, outstanding action plans or outstanding B to A decisions or pending suspension or revocation action, you must:

- email details of the case to the Sponsor Compliance team
- await advice on whether you can casework the request

If you are told not to casework the request further, bring forward (b/f) for the length of time advised, noting all your actions in Metastorm 'b/f tab' and noting the date.

If information from theSponsor Compliance team indicates the company has ceased trading and they have been bought out, you must:

- open the 'outstanding compliance action' action in Metastorm
- in 'status comments':
  - type in the results of the check

    - detail feedback from the Sponsor Compliance team
- under 'status' select 'completed'
- under 'outcome' select 'result'

You must then:

- reject the request
- email the sponsor using the 'change of circumstances (CoC) update org details decision notification' letter, which can be found in the shared drive
- advise the sponsor that the new owner must apply for their own sponsor licence
- populate the service standard with either 'met' or 'not met'

Licensing bans

You must check whether there are licensing bans against the sponsor's key personnel. Find details of the key personnel and check them against the Tier 2 and Tier 5 'Directors and level 1 users subject to a cooling-off period' spreadsheet.

Please refer to the 'Licensing bans' folder in the 'Sponsor Licensing Unit' shared drive:

S:\She_Shared\Sponsor Licensing Unit\Work Flow

If there is a hit on any key personnel, you must, take steps to ensure the hit is against the correct person before discussing the case with your line manager and refusing the case.

Related content
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Genuine vacancy checks

This section explains how to check whether the sponsor can offer genuine employment that meets our requirements on skill level and appropriate rates of pay.

Genuine vacancy checks are mandatory for allocation changes (follow on and in-year).

Genuine vacancy checks are not recorded in Metastorm perform actions. When completing any allocation request, you must complete the following checks and considerations, recording all resulting actions in the certificate of sponsorship (CoS) allocation template in the shared drive, before pasting this into the 'justification' box under the 'decision summary' perform action.

You must:

- check whether the sponsor hits a risk profile
- search for the sponsor on the non-genuine vacancy spreadsheet

You must then consider whether the size and nature of the sponsor's business can justify the post on offer if, for example, the sponsor is:

- in private healthcare
- a small IT firm
- a catering company

Non-genuine vacancy spreadsheet

This section explains how to see whether a sponsor has been previously refused on the basis of non-genuine vacancy.

You must check if the sponsor has had a Tier 2 migrant application refused on the grounds of non-genuine vacancy by searching the Tier 2 GVR/Non Gen Vacancy database, located in the shared drive:

S:\Transfer2\Tier 2 GVR\ Non Gen Vacancy

Non-genuine employment

This section explains what to do if you consider the sponsor cannot offer genuine employment that meets the Tier 2 (General) skill level and appropriate rates of pay.

You must:

- consider whether the size and nature of the sponsor's business can justify the post on offer
- check the sponsor's CoS usage

- write to the sponsor for evidence:
  - request Tier 2 genuine employment evidence, such as advertising, hierarchy and purpose, as detailed in the 'change of circumstances (CoC) Further Information Request' letter, found in the shared drive
  - bring forward (b/f) the case for 10 working days

If the sponsor sends further evidence, you must document the evidence sent in and:

- consider if the sponsor can offer genuine employment that meets the Tier 2 (General) skill level using the sponsor guidance
- check if the post or posts on offer meet the relevant Regulated Qualifications Framework (RQF) level 6 standard occupational classification (SOC) codes
- consider whether there is a genuine need for the post or posts on offer within the sponsor's organisational structure using the points-based system codes of practice for skilled workers

If you consider that the sponsor cannot meet genuine vacancy requirements or does not respond to requests for further information, you must:

- discuss refusing the change request with your line manager
- refer to the Risk Assurance and Capability Unit (RACU) or the Sponsor Compliance team

Genuine employment

If you consider the sponsor can offer genuine employment that meets the Tier 2 (General) skill level and appropriate rates of pay, you must continue caseworking as normal.

To close the check in Metastorm, you must:

- complete the CoS allocation template
- paste the notes in the CoS allocation template into the justification' box under the 'decision summary' perform action
- under 'status', select 'completed
- under 'outcome' select 'result'
- then 'update action'

Related content
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Check certificate of sponsorship (CoS) usage

This page tells you how to check a sponsor's CoS usage.

This check is mandatory when carrying out the following change requests:

- allocation changes
- surrender requests
- dormant requests

To check CoS usage, view the 'allocation history' in Metastorm to see how many CoS have been used previously during the validity of the licence. You must:

- consider the sponsor's previous allocation against the actual CoS usage
- look for any spikes in usage or a lot of activity that could be disproportionate for the size and purpose of the company

Using MI CoS checker, search the company and consider the kind of roles that the business usually employs and whether these are consistent. This is useful when considering whether there is any potentially suspicious CoS activity, such as:

- migrants leaving soon after the CoS are assigned
- long periods of inactivity on the licence

If you consider there is evidence of non-compliance or further investigation is required, you must talk to your line manager, explaining your findings from the review of the sponsor's licence and whether it is appropriate either to:

- request further information
- refer the case to the Risk Assurance and Capability Unit (RACU) or compliance

To close the check in Metastorm, you must:

- open the 'Check CoS usage' perform action
- in 'status comments':
  - type in the results of the check
  - all actions taken
- under 'status' select 'completed'
- under 'outcome' select 'result'
- select 'update action'

Related content
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Check representative

This page tells you how to check that a sponsor or representative is registered with an appropriate governing body.

This check is mandatory for the following case types:

- add, change or remove representative
- add or amend key personnel

Performing a representative check means you must find out whether the sponsor's representative is:

- not also acting as an authorising officer (AO)
- based in the UK
- properly regulated
- not a high risk representative

Regulatory body

You must ensure that any current or prospective representative involved with the sponsor licence is regulated by either:

- the Office of the Immigration Services Commissioner (OISC)
- The Law Society
- another relevant body

The submission sheet should:

- state whether representatives are registered
- provide details of the regulating body

If it is unclear whether a representative is regulated, you must search for the sponsor on OISC or The Law Society websites.

If the representative is not appropriately registered, you must:

- discuss your findings with your line manager
- write to the sponsor using the 'change of circumstance (CoC) decision notification' letter from the shared drive:
    - refuse the change request
    - informing them that the Home Office cannot deal with their nominated representative
    - if the representative has been named as a key contact of level 1 user, you must ask the sponsor to nominate alternative key personnel
- inform the relevant regulatory body that an organisation has attempted to act as a representative without appropriate status

- complete IMS referral form
- complete a SCT referral form and refer to the Sponsor Compliance team

High risk representatives

You must check whether the representative features on a list of high risk representatives.

You should make yourself aware of the key indicators associated with high risk representatives and how representatives that feature in the High risk representative guidance for how they should be handled. You may be required to complete an IMS referral form.

To close the representative check in Metastorm, you must:

- open the 'Check representative' perform action
- in 'status comments':
  - type in the results of the check
  - all actions taken
- under 'status' select 'completed'
- under 'outcome' select 'result'
- select 'update action'

Related content
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Check sponsor accreditation

Some sponsors must be inspected, audited, reviewed by and registered with an appropriate governing body to hold a licence.

This check is mandatory for change of accreditation or registration cases.

You must check whether the sponsor is required to be accredited or registered to:

- operate legally in the UK
- be a licensed sponsor

Appendix A of the Tiers 2 and 5 sponsor guidance outlines the mandatory registration requirements for sponsors operating in certain business areas.

If the sponsor is required to be accredited or registered and you can check the status of the registration online, you must do so by looking on the relevant body's website. For example, the inspection reports for sponsors operating in the care sector who need to be inspected by the Care Quality Commission can be checked on their online site.

If you cannot verify the accreditation or registration online, you must discuss with your line manager about contacting the relevant governing body to see if they are accredited.

If the sponsor does not hold the appropriate accreditation or registration, you must:

- refuse the change of conditions request, using the 'change of circumstance (CoC) decision notification' letter from the shared drive
- discuss your findings with your line manager and, if appropriate, refer the sponsor to the the Sponsor Compliance team

To close the check in Metastorm, you must:

- open the 'check accreditation' perform action and in 'status comments', enter where appropriate:
  - whether the sponsor requires accreditation/registration
  - the name of governing body
  - registration number
  - all actions taken
- under 'status' select 'completed'
- under 'outcome' select 'result'
- select 'update action'

Related content
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System checks

The checks in this section can be done using Metastorm and spreadsheets in the shared drive to establish whether the sponsor or any key personnel pose a risk to immigration control.

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Official – sensitive: end of section

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Immigration Management System (IMS) check

This section tells you how to request an IMS check.

This check is mandatory for the following case types:

- change sponsor name
- change of sponsor address
- change sponsor organisational structure (if using a different company name)
- adding or removing Tier 2 (Intra-Company Transfer (ICT)) links
- mergers, de-mergers and takeovers (if adding a new address)
- adding branches / sites

To perform an IMS check, you must open the Athena Spreadsheets located in the shared drive:

S:\She_Shared\SPONSORSHIP (DO NOT USE)\2. Security Checks

You must input details of company name in the 'Post-licence Team Athena Requests spreadsheet - Submit an Athena request' spreadsheet in the shared drive and close the document.

The check may take 48 hours to complete. Bring forward (b/f) the case and check the 'Post-licence Team Xcheck Results – Athena Results' spreadsheet after 2 working days.

If the information from the IMS check results in concerns about the sponsor, you must:

- discuss the case with your line manager
- check for any other information held by the Workflow team
- speak to your line manager about:
  - completing an SCT referral form
  - referring to the Sponsor Compliance team
  - completing an IMS referral form

If no adverse information is returned, complete all necessary checks for your case type before proceeding with the change request.

To close the check in Metastorm:

- open the 'Risk check' perform action
- in 'status comments':
  - type in the results of the check
  - all actions taken
- under 'status', select 'completed'

- under ‘outcome’ select ‘result’
- then ‘update action’

Related content
Contents

Nationality and immigration status checks

This section explains how to perform checks to ensure that a sponsor's key personnel have the correct immigration status.

When case-working a change request relating to a sponsor's key personnel, you must check their nationality and confirm that any non-EU personnel have valid visa status in Metastorm. This is mandatory for the following case types:

- in-year allocation (if for named person)
- follow on allocation (if for a named person)
- amend authorising officer (AO) / key contact (KC) / level 1 user (L1) (if from overseas)
- replace AO/KC/L1 (if from overseas)

Nationality check

The nationality of a KC, L1 or AO can be viewed under the 'Review Request' tab in Metastorm under 'Proposed User Details'.

If the nationality of the proposed KC / L1 / AO reads 'British Citizen' or from the EU you can close off the check:

- open 'Immigration Status Checks' in Metastorm Perform Actions
- under 'Status' select 'Completed'
- under Outcome select 'Result'
- in the Status Comments box write 'GBR'
- select 'update action'

If the nationality of the proposed KC / L1 / AO is non-EU, further Immigration status checks are required before the check can be completed Metastorm.

Immigration status check

You must ensure that the sponsor's key personnel have valid leave to remain (LTR) in the UK by searching the names of the sponsor's AO, KC and L1 using the following systems:

- Central Reference System (CRS)
- Case Information Database (CID)
- Integrity Search (I-Search)

Guidance on how to perform checks in CRS, CID and I-search can be found using the following online documents:

- Searching CID best practice
- CRS user guide
- Operating mandate for UK Visas and Immigration
- I-Search

If you are able to find out the individual's visa status, record the results in Metastorm under the 'immigration status' perfrom action and complete all necessary checks for your case type before going ahead with the change request.

Should one of the sponsor's key personnel have expired leave, or appear to be breaching conditions of their leave, you must discuss the case with your line manager and consider referring to the Risk Assurance and Capability Unit (RACU) or compliance.

If you are unable to find out the individual's visa status, you need to request further evidence. You must:

- email the sponsor's AO and one other member of key personnel, requesting immigration documents for the AO / KC / L1 using the 'change of circumstances (CoC) further information request' letter from shared drive
- bring forward (b/f) the case up to 10 working days to await a response

If the sponsor does not send the immigration documents, follow the non-cooperative sponsor process.

If you receive no response, and you need to reject the request:

- inform the sponsor using the 'CoC request rejected notification' letter from the shared drive
- complete an IMS referral form

You must record the immigration status of all the sponsor's key personnel and any actions taken as a result of the checks (excluding IMS referrals) in Metastorm perform actions under 'Immigration Status Checks'.

To close the check in Metastorm:

- open the 'immigration status' perform action
- in 'status comments':
    - type in the results of the check
    - all actions taken
- under 'status', select 'completed'
- under 'outcome' select 'result'
- then 'update action'

Related content
Contents

Company and insolvency checks

This page tells you how to undertake checks with Companies House and the insolvency register.

Check Companies House

This section tells you how to check Companies House.

You must do this check for all case types, except for change key personnel and representative.

You must search on the Companies House website for:

- the sponsor, to see whether:
  - the organisation has stopped trading
  - the organisation is in administration
  - the directors have been struck off
- the company contact details, to see:
  - whether the applicant uses a web-based email address, such as Hotmail or Yahoo, rather than one with the company name in the address
  - whether the telephone number is an 0870 or a mobile number rather than local to the area
  - the length of time the company has been trading

You must complete the above checks for all sponsors or applicants, regardless of sector, size of company or any other profiling attribute. Record the outcome of the checks in Metastorm ‘perform actions’:

- open ‘check companies house’ in Metastorm ‘perform actions’
- under ‘status’ select ‘completed’
- under ‘outcome’ select ‘result’
- in the ‘status comments’ box write the findings from the check
- select ‘update action’

Check the insolvency register

This section tells you how to check the insolvency register.

You must carry out an insolvency check when adding new, or replacing, members of key personnel, and when changing the names and dates of birth in amend key personnel requests. The check should be carried out against all members of key personnel.

The sponsor’s key personnel must not have a:

- bankruptcy restriction

* debt relief order

Individual Voluntary Arrangements (IVA) are accepted.

You must search the names of an AO or L1 user on the English and Welsh, Scottish and Northern Irish insolvency registers, regardless of where the person is currently based.

The Northern Irish insolvency register will not record details of debt relief orders. These must be searched for in the debt relief order register for Northern Ireland.

Horizon contains further information on how to perform insolvency checks.

You can also visit ‘searching disqualified company directors’ on Gov.uk as an additional resource for Companies House and insolvency checks on directors.

You must record the outcome of the check in the ‘check insolvency register’ perform action in Metastorm, then:

* under ‘status’ select ‘completed’
* under ‘outcome’ select ‘result’
* in the ‘status comments’ box write the findings from the check
* select ‘update action’

Other trading checks

This section tells you how to check whether the sponsor is trading.

If you are in doubt about the sponsor’s trading status after you complete the previous checks, you can search the internet for:

* any news items relating to the sponsor
* details of the sponsor’s premises

Related content
Contents

Check the civil penalties register

This page tells you how to check for civil penalties issued to a sponsor.

This check is mandatory for all case types.

For all case types, you must check whether the sponsor has been issued with a civil penalty and record your findings and actions taken in Metastorm 'perform actions' under 'check civil penalties register'.

To check whether an employer has been issued with a civil penalty under civil penalty legislation, you must search:

- the company name
- the company postcode
- any key personnel involved in the change

In the spreadsheets listed in the civil penalties guidance. This will identify whether the civil penalty has been issued to the company or the individual.

If there is a 'hit' on the civil penalties database:

- discuss the case with your line manager
- check that the name is for your sponsor and not one with a similar name
- check the reason for the penalty
- follow the civil penalties guidance
- send an email to the Civil Penalties team to confirm whether we can continue with the consideration

If civil penalties email to confirm there is an existing issue or fines haven't been paid, you must discuss the case with your line manager. You may be advised by your line manager to refer the sponsor compliance team as a result of your findings, in which case you must make sure to complete the pre-visit referral checks.

If the civil penalty is within:

- the objection or appeal period
- the outcome has not yet been decided

You must continue to consider any maintenance requests from the sponsor until it becomes clear that all appeal rights have been exhausted and the penalty has been imposed.

If there is no civil penalty held against the sponsor / individual, you record the outcome of the check in Metastorm 'perform actions' and go ahead with the case.

To close the check in Metastorm:

- open the ‘check civil penalties’ perform action
- in ‘status comments’:
  - type in the results of the check
  - all actions taken
- under ‘status’, select ‘completed’
- under ‘outcome’ select ‘result’
- then ‘update action’

Related content
Contents

Change of circumstances

The guidance found in the subsequent pages explains how to complete change of circumstances requests.

The checks that must be performed for each case type found past this page link back to the check instructions are found in checks and perform actions.

Related content
Contents

Change of sponsor name

This page tells you what you must do when a sponsor changes their name.

Allocate

To start the case, use the 'select and assign' function, looking through the relevant workstack and select a case to your 'to do' list.

You must then:

- review the sponsor's reason for the request and unique reference number (URN)
- using the sponsor's URN, perform a sponsor summary search
- check the sponsor is licensed and fully active

You must then check the 'cases linked to sponsor' tab, to check whether there are any outstanding cases, arrange for these to be worked by either yourself or a co-worker.

Documents required

The following documents need to be sent by the sponsor to complete a change of name request:

- submission sheet with new name provided in full
- documentary evidence, such as:
  - a sworn affidavit (change of name or address)
  - solicitors letter
- a reason for the change request:
  - the change must not be part of a merger or takeover if this change has not been submitted to us through the sponsor management system (SMS)

If there is evidence that the change of name request is part of merger or takeover action and we have not been notified, you must discuss the case with your line manager to reach the appropriate decision.

Whether the submission sheet has been received and basic case details will be recorded by workflow in 'All notes/case notes' on Metastorm.

You must:

- open 'check supporting documents received' in perform actions
- in 'status comments' record:
  - what evidence was received
  - details of the new name

If no documents are recorded as received, you must check if documents have been provided for a duplicate case. Check 'cases linked to sponsor' to find potential duplicates and outstanding cases, and any sent documents may be logged there.

If the sponsor has opened duplicate cases, look at the evidence and information provided for both and proceed with the one with the strongest application.

If the sponsor has opened duplicate cases, go ahead with the case which has documentary evidence.

If the sponsor does not provide enough relevant information or documentary evidence, you must:

- email the sponsor by filling in the 'change of circumstances (CoC) further information request' letter template to ask for the relevant information and documentary evidence
- bring forward (b/f) for 10 working days for the sponsor to respond

If the sponsor does not provide the information or evidence, you must:

- complete the 'change of circumstances' action within Metastorm without making any changes
- write to the sponsor by filling in the 'CoC other changes decision notification' letter from the shared drive template telling them that we cannot change the details on their licence as they have not provided enough information or documentary evidence

If no response is received from the sponsor, you must follow the non-cooperative sponsor process.

If the sponsor provides enough information or documentary evidence, go ahead and complete checks on the sponsor.

Checks to complete

You must complete the following checks and considerations and follow the linked guidance, recording all resulting actions in Metastorm under the relevant perform action, as in the Maintenance perform actions template.

You must check:

- for special markers
- risk profiles
- for outstanding compliance activity

Using the previous and new company names, or names of UK branch, you must:

- request an IMS check
- check the civil penalties register

- search Companies House:
    - use ‘Webcheck service’ to check the company is not in administration, liquidation or dissolved
- perform other trading checks

If Companies House has no information on either the previous or new company name, request further information, by asking the sponsor to supply a certificate of the company name showing both the previous and new sponsor name.

You must b/f the case for 10 working days. If no response is received, refuse the request.

If the checks, or any further information you have asked for, result in any concerns, you must:

- not make any changes to the managed sponsor record
- read the guidance on the relevant checks for recommended actions to take
- discuss the case and recommended actions with your line manager, for example:
    - referring to the Risk Assurance and Capability Unit (RACU) or compliance
- record all outcomes of checks and actions to take in Metastorm ‘perform actions’

If no issues are raised as a result of the checks, you must go ahead and complete the change of name request.

Complete change of name request

If the checks do not result in any concerns or need additional documentation, or further investigation or a visit resolves your concerns, you can change the sponsor’s name in Metastorm.

If the change of name request is not also part of merger, de-merger or takeover action, check the ‘cases linked to sponsor’ tab to see if the sponsor has sent ‘amend key personnel’ requests, to change the company name on their Metastorm profiles. If they have, you must allocate the requests to yourself to complete. If they have not, you must still amend the key personnel profiles to show the new company name.

To action a change of name request, you must:

- ‘accept’ the change of name request
- make sure all perform actions checks have been completed
- open ‘Decision summary’ in Metastorm ‘perform actions’ and:
    - under ‘Status’ select ‘Completed’
    - under Outcome select ‘Result’
- type in the status comments box:
    - the previous and new company names
    - what documentary evidence was provided
    - checks taken

    - the decision made
- select ‘update action’
- populate the customer service standard with ‘met’ or ‘not met’

Sending a letter is not necessary. The sponsor will be able to view the updated change in their SMS account.

Related content
Contents

Change of sponsor address

This page tells you how to do a change of address request from beginning to end.

Allocate

To start the case, use the 'select and assign' function, look through the relevant workstack and select a case to your 'to do' list.

You must then:

- review the sponsor's reason for the request and unique reference number (URN)
- using the sponsor's URN, perform a sponsor summary search
- check the sponsor is licensed and fully active

You must then check the 'cases linked to sponsor' tab, to check whether there are any outstanding cases, arrange for these to be worked by either yourself or a co-worker.

Documents required

This section explains what documents the sponsor should have provided in support of their change of address request.

The sponsor is expected to provide the following documentary evidence and information:

- new address details in full
- documentary evidence, such as:
  - an original or certified copy of a lease of premises or confirmation of purchase (change of address)
- a reason for the change

Any received post related to the sponsor will be recorded by team support in 'All notes / case notes' on Metastorm.

You must:

- open 'check supporting documents received' in perform actions
- in 'status comments' record:
  - what evidence was received
  - details of the new address and the owner of the premises, if available
- write in the 'signed declaration received' perform action 'received, no signature required'

If the documents listed in this section are not provided, perform a watchlist check. If there are no issues with the watchlist score, you must try to verify the missing information and proceed to checks to complete.

If there are issues with the sponsor's watchlist score, discuss the case with your line manager to discuss what action should be taken.

Checks to complete

You must complete the following checks and considerations and follow the linked guidance, recording all resulting actions in Metastorm under the relevant perform action, as in the Maintenance perform actions template.

You must:

- check civil penalties
- request an IMS check
- check Watchlist (when applicable)
- check Companies House:
  - specifically, note whether the address held by Companies House is the same as the new address

If the checks result in any concerns, for example, non-compliance relating to:

- size of building or offices
- the actual existence of the building or businesses
- concerns that the building is simply serviced accommodation with no real sponsor presence

Then you must:

- discuss these with your line manager
- 'accept' the address change on Metastorm

You must also consider and discuss setting the outstanding certificate of sponsorship (CoS) allocation to zero with your line manager. If it is decided that you should set the CoS allocation to zero, you must inform the sponsor by email, ensuring all correspondence is recorded.

You must then discuss requesting a compliance visit with your line manager, refer the case to the Risk Assurance and Capability Unit (RACU) and record any actions taken in Metastorm 'perform actions'.

If there are no issues with the checks and the case does not appear on the Watchlist check with a score above 6 and we can confirm the address on a third party trusted website such as Companies House or HMRC, then go ahead and complete the change of address request.

Complete change of address request

If the change of address request is not part of merger, de-merger or takeover action, check the 'cases linked to sponsor' tab to see if the sponsor has sent 'amend key personnel' requests, to change the company name on their Metastorm profiles. If they have, you must allocate the requests to yourself to complete. If they have not, you must still amend the key personnel profiles to show the new company address as appropriate.

To action a change of name request, you must:

- 'accept' the change
- make sure all perform actions checks are completed
- open Metastorm 'perform actions' and:
  - under 'Status' select 'Completed'
  - under Outcome select 'Result'
- type in the 'Status Comments' box:
  - the old and new company address
  - evidence provided
  - checks completed
  - the decision made
- select 'update action'
- populate the customer service standard with 'met' or 'not met'

Sending a letter is not necessary. The sponsor will be able to view the updated change in their sponsor management system (SMS) account.

Related content
Contents

Adding, changing or removing a representative

This section tells you how to add, amend or remove a representative.

Allocate

To start the case, use the 'select and assign' function, looking through the relevant workstack and select a case to your 'to do' list.

You must then:

- review the sponsor's reason for the request and unique reference number (URN)
- using the sponsor's URN, perform a sponsor summary search
- check the sponsor is licensed and fully active

You must then check the 'cases linked to sponsor' tab, to check whether there are any outstanding cases and arrange for these to be worked by either yourself or a co-worker.

Documents required

This section explains what evidence is required when a sponsor requests to add, amend or remove a representative.

When a sponsor sends a request to add or remove a representative using their sponsor management system (SMS) account, the system will generate a submission sheet including a representative's declaration. The representative must sign the declaration, and the authorising officer (AO) must sign the whole submission sheet, before sending to Sponsorship Operations by post within 10 working days of making the request online.

You must make sure that the:

- sponsor has sent a submission sheet
- representative signing the declaration is the same one named in the change request on Metastorm

If the declaration has not been signed, you must:

- not make any changes to the managed sponsor record
- email the sponsor's AO and one other member of key personnel using the 'change of circumstances (CoC) further information request' letter template from the shared drive, advising them formally to appoint the representative by applying to add a representative and signing the declaration

If, after a write out:

- you do not receive the submission sheet within 10 working days
- the representative declaration has still not been signed
- the AO has not signed the submission sheet

you must discuss what appropriate action should be taken with your line manager.

You must check Metastorm to make sure that the AO who has signed the submission sheet matches the one named on the sponsor record.

If the submission sheet and the declaration are sent and signed and the person who signed the submission sheet is named on the sponsor record as the AO, you must go ahead and complete checks on the sponsor.

If the person who signed the submission sheet is not the AO named on the sponsor licence, you must check the 'cases linked to sponsor' tab in Metastorm to see whether there has been a request for a change of AO.

If there is an outstanding request to change the AO, you must bring forward (b/f) the request to change the representative's details until either yourself or a colleague complete the change of AO request.

If the sponsor confirms the submission sheet was signed in error by another employee, advise them to re-send the request.

Checks to complete

You must complete the following checks and considerations and follow the linked guidance, recording all resulting actions in Metastorm under the relevant perform action, as in the Maintenance perform actions template.

Open the 'maintain rep' tab in Metastorm and search the representative by:

- URN
- the name of the individual representative
- the name of the organisation

This information should be shown on the representative submission sheet.

If the representative is new to the legal organisation and has not appeared as a representative on Metastorm previously, they will not have a URN and you will need to create a URN for the new representative.

Unless you are removing a representative, you must complete representative checks. The submission sheet should:

- state whether representatives are registered or exempt

- provide details of the regulating body

Record all results and identification numbers in Metastorm perform actions under 'Check representative'.

You must then:

- check the civil penalties register
- check for special markers

If the checks result in any concerns, you must talk to your line manager about either:

- requesting further information
- referring to the Risk Assurance and Capability Unit (RACU) or the Sponsor Compliance team

If all evidence is provided and the checks return no concerns, or your concerns are removed after a write out, you must:

- make sure all checks are recorded in Metastorm 'perform actions'
- go ahead either to:
  - complete request to remove representative
  - complete request to add / amend representative

Complete the request to remove a representative

This is how to remove a representative from a sponsor's licence in Metastorm.

A request to remove a representative can be made by the sponsor and the representative.

If the request has come from an employee of the representative's firm and not the named contact, you must check that the request is genuine before completing the change request. You must do this by contacting the sponsor's named representative firm requesting confirmation that they wish to be removed from the sponsor licence.

To complete the request in Metastorm, you must:

- open 'blank form'
- open 'maintain sponsor'
- in the new window, update the sponsor record with the details of the representative to be removed
- replace the old representative record with dummy representative record reference R001495X:
  - you must do this, as Metastorm will only allow the replacement of a representative - the dummy reference will also tell caseworkers in the future that a representative has been removed previously

If the sponsor made the request to remove the representative, you must:

- use the ‘CoC other changes decision notification’ letter template from the shared drive to tell them sponsor casework operations have updated their records
- if the previous representative also acted as key contact (KC) or level 1 user (L1), ask the sponsor to name alternatives as soon as possible

You must send the letter by email to at least 2 members of key personnel, unless you are also returning documents. In that case, all documents sent back and the recorded delivery number must be recorded in Metastorm.

If the representative made the request to remove themselves from the sponsor licence, it may be because they are concerned that the sponsor is no longer acting in line with it’s sponsor duties. If the representative has made allegations against the sponsor, you must forward the allegation and sponsor details to the Sponsor Investigations team for them to consider.

Complete the request to amend an existing representative

This section explains how to amend an existing representative in Metastorm.

To amend the rep, you must:

- make sure all checks have been completed and recorded In Metastorm ‘perform actions
- open ‘blank form’
- open ‘maintain representative’
- in the new window, enter the sponsor’s URN
- make alterations as necessary

Complete the request to add new representative

This section explains how to add a representative to a sponsor’s licence in Metastorm.

To complete the request to add or change a representative, you must:

- make sure all the checks on the new representative have been recorded in Metastorm ‘perform actions’
- update the sponsor record with the details of the new representative
- open ‘maintain sponsor’ and type in the URN and ‘accept’ the change
- if the representative doesn’t have a profile in Metastorm, create a URN for the new representative
- tell the sponsor that the change has been made by filling in the ‘CoC other changes decision notification’ letter template, including the representative’s URN
- populate the customer service standard with ‘met’ or ‘not met’

You must send the letter by email, unless you are also returning documents. In that case, all documents sent back and the recorded delivery number must be recorded in Metastorm.

Create a URN for the new representative

This section explains how to create a URN for a representative who doesn't have a Metastorm profile.

A URN is generated when a profile is made for the individual representative in Metastorm.

To do this, you must:

- open 'blank form'
- open 'maintain sponsor'
- in the new window, record representatives details, including:
    - organisation name and address
    - the representatives name, telephone number and email
    - whether the representative has Office of the Immigration Services Commissioner (OISC) status, or is authorised to practice by another designated professional body

Once you accept the changes and close the window, a Metastorm profile should be created for the representing individual, and a URN generated.

To find the URN for use in 'CoC decision letter' from the shared drive, search the representative's profile in Metastorm.

If the sponsor has no current L1 user with access to the SMS and wishes to appoint a new L1 user, a change of circumstances form must be sent. You must make sure the AO or KC named on the sponsor licence has signed the form.

Linked outstanding requests

Requests to amend key personnel details are often sent with other change requests by the sponsor. For example, a change of address request will usually be sent by the sponsor with requests to amend the address on the profiles of their key personnel.

After doing a sponsor summary search, you must look under the 'cases linked to sponsor' tab to see the other requests that have been made. If you can complete the other change requests linked to the case now, you must allocate these to yourself to complete.

If there is a pending renewal case, you must discuss the case with the caseworker handling the renewal.

If you aren't able to do the change requests linked to your case, you must:

- complete the perform actions checks as far as you can
- enter the ‘decision summary’ perform action and record the case as ‘on hold’
- enter the ‘summary’ tab and select ‘set BF date’:
    - set the ‘date’ for 10 to 20 working days as appropriate
    - in ‘comments’, state reasons for putting the case on hold
- set a reminder in your outlook calendar for 10 to 20 working days to complete the case once other changes have been completed

Whether you are able to complete a linked case is dependant on:

- your experience
- business requirements

You must discuss with your line manager if you are uncertain.

Related content
Contents

Changes to key personnel

This section explains what to do when a sponsor tells sponsor casework operations about changes to key personnel, such as:

- making changes to existing key personnel profiles
- adding and replacing key personnel

Allocate

To start the case, use the 'select and assign' function, looking through the relevant workstack and select a case to your 'to do' list.

You must then:

- review the sponsor's reason for the request and unique reference number (URN)
- using the sponsor's URN, perform a sponsor summary search
- check the sponsor is licensed and fully active

You must then check the 'cases linked to sponsor' tab, to check whether there are any outstanding cases, consult the linked outstanding requests section of this page.

Under the case summary page, you must read the details for the key personnel to be added or changed and proceed to check for linked outstanding requests.

Documents required

When making changes to existing key personnel, only a signed submission sheet is required when replacing an authorising officer (AO).

If the sponsor has no current level 1 (L1) user with access to the sponsor management system (SMS) and wishes to appoint a new L1 user as part of a request to add or replace a member of key personnel, a change of circumstances form must be sent. You must make sure the AO or key contact (KC) named on the sponsor licence has signed the form.

If:

- a recognised contact has not signed the form
- the form is incomplete

you must reject the request and tell the sponsor by:

- filling in a 'change of circumstances (CoC) request rejected notification' letter from the shared drive

- sending the letter by email to the AO and at least one other member of key personnel
- make sure all correspondence is logged in Outlook

Check for linked outstanding requests

Requests to amend key personnel details are often sent with other change requests by the sponsor. For example, a change of address request will usually be sent by the sponsor with requests to amend the address on the profiles of their key personnel.

Perform a sponsor summary search and look under the 'cases linked to sponsor' tab to see the other requests that have been made. If you can complete the other change requests linked to the case, you must allocate these to yourself to complete.

If you aren't able to do the change requests linked to your case, you must:

- complete the perform actions checks as far as you can
- enter the 'decision summary' perform action and record the case as 'on hold'
- enter the 'summary' tab and select 'set BF date':
  - set the 'date' for 10 to 20 working days as appropriate
  - in 'comments', state reasons for putting the case on hold
- set a reminder in your outlook calendar for 10 to 20 working days to complete the case once other changes have been completed

Whether you are able to complete a linked case is dependant on:

- your experience
- business requirements

You must discuss with your line manager if you are uncertain.

Making changes to existing key personnel profiles

This section explains what you must consider before completing a request to change the sponsor's key personnel profiles.

You must check that the sponsor hasn't mistakenly sent an amendment request when they want to add a new member of key personnel. To do this, you must check that the name and details recorded in the 'review request' screen in Metastorm are not for a new person. If the sponsor appears to have made an error, you must reject the request.

If the request is to change the user's email address, you must first check that the address is unique and personal to that user. If you have any concerns, email the sponsor to:

- ask whether they are aware of the rules outlined in the sponsor guidance
- confirm the email is personal to the key personnel using it

Then bring forward (b/f) the case for 5 working days, noting the b/f date and reason in the 'BF case' perform action, awaiting a response from the sponsor.

Once you are clear on the changes to be made, proceed to checks to complete.

Adding or replacing key personnel

This section explains what you must consider when completing a request to add or replace the sponsor's key personnel.

If adding a new KC or L1, you must check whether they will also act as the representative. If they are the current representative, or there is a request pending to add them as a representative to the sponsor licence (which you can see through the 'cases linked to sponsor' tab), you must also complete representative checks to make sure they are properly accredited.

A sponsor must have a minimum of one SMS user who is a settled worker unless they are one of the following who are exempt from this rule:

- a diplomatic mission or international organisation licensed under Tier 5 (Temporary Worker) - International Agreement
- the AO is a person with valid leave as a:
    - Representative of an overseas business
    - Tier 1 (Graduate Entrepreneur) migrant
    - Tier 1 (Entrepreneur) migrant

If the change request leaves the sponsor with only one L1 user and that person is not a settled worker, you must contact the sponsor to confirm if they have another SMS user who is a settled worker. If they do not have an SMS user who is a settled worker, they must nominate one.

Or, if the change request is to add a new L1 user, you must check the existing L1 users details on Metastorm to determine if the existing L1 user is a settled worker. If the L1 user is not a settled worker you must contact the sponsor to confirm if they have another SMS user who is a settled worker. If they do not have an SMS user who is a settled worker, they must nominate one.

Once you are happy with the details of the key personnel to be added, proceed to checks to complete.

Checks to complete

When completing a request to add, replace or make changes to the sponsor's key personnel, you must complete the following checks and considerations and follow the linked guidance, recording all outcomes in Metastorm under the relevant perform action, as in the Maintenance perform actions template.

You must do the following checks on the existing or new member of key personnel:

* perform a licensing bans check
* perform Police National Computer (PNC) / Warnings Index (WI) checks:
    * if the request is an amendment, PNC / WI checks should only be performed where the individual's family name is to be changed
* check the civil penalties register
* check for special markers
* company and insolvency checks
* perform nationality and immigration status checks:
    * you need only do immigration status checks if the new member of key personnel is found to be a non-EU national

If the checks result in any concerns, you must talk to your line manager about either:

* requesting further information
* referring to the Risk Assurance and Capability Unit (RACU) or the Sponsor Compliance team

If all evidence is provided and the checks return no concerns, or your concerns are removed after a write out, you must:

* accept the amendment
* add the new AO / L1 / KC

Complete the request to amend key personnel

This section explains how to accept an amendment to the sponsor's AO, L1 user or KC details.

Because of an ongoing work around for an ongoing system error, you must log the perform actions notes in 'case notes', not under perform actions. You must:

* make sure all checks are recorded in Metastorm 'case notes'
* write the details of the change in the 'decision summary' perform action
* go to the 'review request' screen:
    * if you need to make any amendments or corrections, make them here
    * if you are happy with the changes, 'accept' these
* record the customer service standard with 'met' or 'not met'

Complete the request to add new AO, L1 or KC

This section explains how to add or replace an AO, L1 user or KC to the sponsor's licence.

You must:

* make sure all checks are recorded in Metastorm 'perform actions'
* type in the details of the change in the 'decision summary' perform action

- go to the ‘review request’ screen:
    - if you need to make any amendments or corrections, make them here
    - if you are happy with the changes, ‘accept’ these
- record the customer service standard with ‘met’ or ‘not met’

Deactivate key personnel

This section explains when deactivating a member of key personnel is necessary, and how to complete the deactivation.

There are circumstances where caseworkers may be required to deactivate key personnel, such as:

- the SMS account has been accessed inappropriately by an unauthorised user or the password has been shared with others
- the AO / L1 user or KC is also working for a representative company that is not appointed or no longer appointed on the licence
- the user has a duplicate account on SMS
- there is evidence or information provided showing that:
    - the user is no longer employed by the sponsor
    - the user no longer undertakes the role of L1 user
    - the user account has been accessed inappropriately by an unauthorised user or the password has been shared with others
- compliance, RACU or management request deactivation
- the PNC / WI check returns a hit

This is not an exhaustive list and you must speak to your line manager if you are unsure.

If deactivating the only L1 user, you must email the sponsor informing them that they must re-gain access to SMS by appointing a new L1 user using the change of circumstances form.

If the reason for deactivation is unauthorised access or password sharing, you must determine what SMS requests / actions have been made by the unauthorised user, as such actions may need to be investigated or rejected and discuss referring to RACU and compliance with your line manager.

If you receive a request from a member of key personnel to deactivate a L1 user, you must establish why they are unable to take this action themselves on SMS. You must discuss with your line manager if you are unsure how to proceed.

Completing the deactivation in Metastorm

Once you have established that one or more users are to be deactivated, you need to create a deactivation case in Metastorm, following the necessary steps below:

1. Select ‘blank forms’.
2. Select ‘deactivate user’.

3. Search for and select the relevant sponsor and click ‘submit’.
4. From the list of users select the individual(s) you wish to deactivate.
5. Press the ‘Add User to Deactivation List’ button.
6. Press ‘submit’.

Once these steps have been followed, a deactivation case will have been created in your to-do list, which you must allocate to yourself and complete.

If an error has been made and you need to cancel the deactivation case, you must:

- find the case in your ‘to-do’ list
- select ‘cancel’, then press ‘submit’

Once you have created the deactivation case in your to-do list you need to take the following steps:

1. Select the case from your ‘to-do’ list.
2. Press ‘Confirm User Deactivation’.
3. Fill in the reasons for deactivation and any associated action taken in the free-text box.
4. Press ‘Submit’, the case now goes for management check.
5. Select case from your ‘to-do’ list after management check complete.
6. Press ‘Review Management Check Outcome’ and consider any comments.
7. Select Submit, case closed.

If you need to notify the sponsor of the deactivation action, this should be done through standalone letter or email. Whether you are required to notify the sponsor is dependent on the circumstances, and should be agreed with your line manager.

Related content
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Changing sponsor organisational structure

This section tells you how to make changes to a sponsor's organisational structure, including:

- adding and removing branches
- adding or removing Tier 2 (Intra-Company Transfer (ICT)) links
- mergers, de-mergers and takeovers

Adding and removing branches

This section tells you how to change branches on the sponsor's licence.

Allocate

To start the case, use the 'select and assign' function, looking through the relevant workstack and select a case to your 'to do' list.

You must then:

- review the sponsor's reason for the request and unique reference number (URN)
- using the sponsor's URN, perform a sponsor summary search
- check the sponsor is licensed and fully active

You must then check the 'cases linked to sponsor' tab, to check whether there are any outstanding changes linked to the change of name request, and arrange for these to be worked by either yourself or a co-worker.

Documents required

To change the branches recorded for a licensed sponsor, the sponsor must provide:

- names and addresses of the branches in full
- where the sponsor is adding branches:
  - any legal accreditation required by those branches
  - evidence that the branches are linked to the licensed sponsor as in appendix A of the sponsor guidance
- leases and affidavits

The documents must be originals or certified copies.

If the sponsor does not provide enough information or documentary evidence, you must:

- email the sponsor filling in the 'change of circumstances (CoC) further information request' letter template to request the relevant information and documentary evidence
- bring forward (b/f) for 10 working days for the sponsor to respond

If the sponsor does not provide the requested information after the first request, follow the non-cooperative sponsor process, and:

- complete the 'change of circumstances' action within Metastorm without making any changes
- write to the sponsor filling in the 'CoC other changes decision notification' letter from the shared drive telling them that the Sponsorship Operations cannot change the details on their licence as they have not provided enough information or documentary evidence
- refuse the change request

Checks to complete

You must complete the following checks and considerations and follow the linked guidance, recording all outcomes in Metastorm under the relevant perform action, as in the Maintenance perform actions template.

Perform a civil penalty check, searching for:

- branch / trading name
- branch / trading postcode
- names of the key personnel

Where the sponsor is adding a branch you must check the sponsor's accreditation and registration details.

If the sponsor is adding a branch with a different company name, you must request an IMS check.

You must:

- check for special markers
- check Companies House
- review outstanding compliance

If the checks result in any concerns, you must not make any changes to the managed sponsor record and talk to your line manager about either:

- requesting further information
- referring to the Risk Assurance and Capability Unit (RACU) or the Sponsor Compliance team

If all evidence is provided and the checks return no concerns, or your concerns are removed after a write out, you must:

- make sure all checks are recorded in Metastorm 'perform actions'
- go ahead to complete the request to add or remove branches

Complete the request to add or remove branches

If all the required documentary evidence has been sent and no concerns are raised as a result of your checks, you must:

- complete the 'change of circumstances' action within Metastorm
- add details of the names and addresses of the branches to be added to and / or removed from the existing word document titled 'branches/linked entities/partnership details,' saved in the correspondence tab in the sponsor record
- if the document has not been created previously, create a word document titled 'branches/linked entities/partnership details', record the names and addresses of the branches to be added and / or removed, and save it as a stand alone document to the correspondence tab in the sponsor record
- email the sponsor's authorising officer (AO) and one other member of key personnel with a 'CoC other changes decision notification' letter from the shared drive, to confirm their record has been updated
- populate the customer service standard with 'met' or 'not met'

Adding or removing Tier 2 (Intra-Company Transfer (ICT)) links

This section explains what to do when a sponsor requests to add or remove details on the list of companies linked to them.

When a sponsor applies for a Tier 2 ICT licence, it must provide Sponsorship Operations with details of all companies linked to them by common ownership or control in the UK and overseas from which it may wish to transfer staff. Throughout the period of the licence, the sponsor must inform Sponsorship Operations if it wishes to amend the list.

This list is held in a word document titled 'branches/linked entities/partnership details', saved in the correspondence tab in the sponsor record.

Allocate

To start the case, use the 'select and assign' function to select a case to your 'to do' list from the relevant workstack.

You must then:

- review the sponsor's reason for the request and URN
- using the sponsor's URN, perform a sponsor summary search
- check the sponsor is licensed and fully active

You must then check the ‘cases linked to sponsor’ tab, to check whether there are any outstanding cases and arrange for these to be worked by either yourself or a co-worker.

Under the case summary page, read the details of ICT links to be added or removed.

Documents required

This section explains what evidence and information is needed to complete a Tier 2 (ICT) amendment.

If the sponsor tells Sponsorship Operations that they wish to amend the record of linked companies recorded under its licence, you must check the sponsor:

- still holds a Tier 2 (ICT) licence
- has provided company names and addresses in full
- (where the sponsor is adding linked companies) evidence of the link between the companies as in appendix A of the sponsor guidance

The documents provided must be originals or certified copies.

If the sponsor has not provided the required information or documentary evidence, you must:

- email the sponsor filling in the ‘CoC further information request’ letter from the shared drive to ask for the relevant information and documentary evidence
- b/f for 10 working days for the sponsor to respond

If the sponsor fails to provide the requested evidence, you must:

- complete the ‘change of circumstances’ action in Metastorm without making any changes
- write to the sponsor using the ‘CoC other changes decision notification letter’ from the shared drive
- inform them that Sponsorship Operations cannot amend the details on their licence as they have not provided sufficient information and evidence

If the sponsor provides all of the information required, you must go to the checks to complete section of this page.

Checks to complete

When completing a request to make changes to the companies linked to the sponsor, you must complete the following checks and considerations and follow the linked guidance, recording all outcomes in Metastorm under the relevant perform action, as in the Maintenance perform actions template.

You must:

* do a civil penalty check, searching for:
    * branch trading name
    * branch / trading postcode
    * names of the key personnel

If the checks result in any concerns, you must not make any changes to the managed sponsor record and talk to your line manager about either:

* requesting further information
* referring to RACU or the Sponsor Compliance team

If all evidence is provided and the checks return no concerns, or your concerns are removed after a write out, you must:

* make sure all checks are recorded in Metastorm 'perform actions'
* go ahead to complete the request to add or remove Tier 2 ICT links

Complete request to add or remove Tier 2 ICT links

This section explains how to complete the request to add or remove Tier 2 (ICT) links.

You must:

* complete the 'change of circumstances' action in Metastorm
* record details of the name and addresses of the branches to be added and / or removed to the existing word document titles 'branches/linked entities/partnership details', saved in the correspondence tab in the sponsor record
* if the document has not been created previously:
    * create a word document titled 'branches/linked entities/partnership details'
    * record the names and addresses of the branches to be added and / or removed
    * save it as a stand alone document to the correspondence tab in the sponsor record
* email the sponsor's AO and at least one other member of key personnel, filling in the 'CoC other changes decision notification' letter from the shared drive to confirm their record has been updated
* make sure the outcomes of all checks and actions taken have been recorded in Metastorm 'Perform actions'
* make sure all correspondence has been recorded
* record the customer service standard with 'met' or 'not met'

Mergers, de-mergers and takeovers

This section explains what to do when a sponsor tells Sponsorship Operations that:

- there is a change in direct ownership
- they are selling all or part of the controlling number of shares in the business
- they are being taken over completely or in part by another organisation
- they are splitting out to form new organisations
- they are moving or receiving sponsored migrants to or from other organisations under the Transfer of Undertakings (Protection of Employment) Regulations 2006 or similar protection as a result of any of the aforementioned structural changes

The sponsor's L1 user must tell us within 20 working days of any change taking place via their SMS account.

Old and new sponsors

This section explains what is meant by 'old' and 'new' sponsors and what to do if the 'new' sponsor does not have an existing sponsor licence.

Merger, de-merger and takeover action takes place between 2 or more companies. For the purposes of this guidance, they will be referred to in this guidance as the:

- the 'old sponsor':
    - this is the existing sponsor being partially or fully taken over, that tells us that they are transferring migrants to another organisation
- the 'new sponsor':
    - this is the organisation, who may or may not already have an existing sponsor licence, who will be accepting migrants from the old sponsor
    - where the new sponsor already has a sponsor licence, they must tell Sponsorship Operations of the merger, acquisition, takeover, transfer of staff, or de-merger via their SMS account
    - if the new sponsor does not have a licence, you must tell them that they must obtain one

This means that for merger or takeover actions to take place, we require notifications from both old and new sponsors involved to complete the request, to be worked ideally by the same caseworker.

Allocate

To start the case, use the 'select and assign' function, look through the relevant work stack and select a case to your 'to do' list.

You must then:

- review the sponsor's reason for the request and URN
- using the sponsor's URN, perform a sponsor summary search
- check the sponsor is licensed and fully active

You must then check the ‘cases linked to sponsor’ tab, to check whether there are any outstanding changes linked to the change of name request, and arrange for these to be worked by either yourself or a co-worker.

Under the case summary page, read the details of the merger, de-merger or takeover action.

Documents required

This section explains what documents need to be provided when old and new sponsors notify Sponsorship Operations of a merger or takeover.

Old sponsor’s change request notification

The old sponsor’s notification must contain full details of:

- the merger, acquisition, takeover, transfer of staff or de-merger (including the date the change was effective from)
- the new sponsor
- name, nationality, date of birth, certificate of sponsorship number and passport number of the points-based system (PBS) sponsored migrants, both:
  - transferring to the new sponsor
  - not transferring to the new sponsor

New sponsor with existing licence change request notification

The new sponsor’s notification must contain:

- full details of:
  - the merger, acquisition, takeover, transfer of staff, de-merger (including the date the change was effective from)
  - the old and existing sponsor
  - name, nationality, date of birth, certificate of sponsorship (CoS) number and passport number of the sponsored migrants transferring to the new sponsor and evidence that the transfer is covered by TUPE regulations or similar protection (this may take the form of a letter from a solicitor detailing the transfer and confirming it is covered by TUPE regulations)
- documentary evidence of the merger, takeover, acquisition, transfer of staff, de-merger (this can be an affidavit - a written declaration made on oath before a person authorised to administer oaths - from the company's solicitor, corporate lawyer or an original certified copy of the share purchase agreement)
- confirmation as to whether:
  - the new sponsor accepts all sponsorship duties for the transferring sponsored migrants
  - the existing and old sponsor address needs to be added to the new sponsor licence as a branch (this will only be the case if migrants continue to be employed at the existing or old sponsor address)

The required documents are not provided

If the sponsor has not provided all the necessary details, you must both:

- email the sponsor's AO and at least 2 other members of key personnel, filling in the 'CoC further information request' letter from the shared drive asking for the missing information
- b/f for 10 working days for sponsor to respond

If the sponsor does not respond to our request, you must follow the non-co-operative sponsor process.

If the sponsor has provided all the necessary details, you must:

- record all details in Metastorm on both sponsor records
- compare the notification from both sponsors for consistency of information
- if TUPE or similar protection does not apply, check the evidence to show whether any Tier 2 conditions still stand

You must then go ahead and complete checks on the sponsors.

New sponsor does not hold a sponsor licence

There will be circumstances where a sponsor tells Sponsorship Operations of merger, de-merger or takeover action with a new company that does not yet hold a licence. As sponsor licences are not transferable, a company cannot take on migrants as part of merger, de-merger or takeover action if they do not have their own licence. The process of transferring migrants cannot be completed until the new sponsor obtains a licence.

You must:

- tell the new sponsor that they must apply for a sponsor licence within 20 working days of the merger, takeover, partial takeover or de-merger
- b/f for 20 days to wait for a licence application to be submitted

If the new sponsor does not apply within 20 working days, you must follow the non-cooperative sponsor process, but, prior to this, discuss whether you should issue a reminder email to the sponsor with your line manager. This should be decided on the basis of the sponsor's compliance and licence history.

If the new sponsor is subject to a cooling off period, check Companies House to see if the existing sponsor is still trading and discuss with your line manager about referring to the Risk Assurance and Capability Unit (RACU) and compliance

Checks to complete

When completing a request to action a merger, de-merger or takeover on the sponsor's licence you must complete the following checks and considerations and follow the linked guidance, recording all outcomes in Metastorm under the relevant perform action, as in the Maintenance perform actions template.

You must:

- do a civil penalty check, searching for:
  - company name
  - postcode
  - names of the key personnel
- if adding a new address, do a IMS check
- check the new sponsor's accreditation and registration details

If the checks result in any concerns, you must not make any changes to the managed sponsor record and talk to your line manager about either:

- requesting further information
- referring to RACU or the Sponsor Compliance team

If all evidence is provided and the checks return no concerns, or your concerns are removed after a write out, you must:

- make sure all checks are recorded in Metastorm 'perform actions'
- go ahead to complete change request for a merger, de-merger or takeover

Complete the merger, de-merger or takeover in Metastorm

This section explains how to complete the change request for a merger, de-merger or takeover.

Full takeover

If the change request is for a full takeover and both sponsors hold a valid licence, you must:

- make the 'old' licence dormant
- make sure the Metastorm record for the new sponsor is updated with all relevant details
- update the relevant migrants leave to remain (LTR) on CID or CRS
- email both sponsors filling in the 'CoC other changes decision notification' letter from the shared drive confirming that Sponsorship Operations have updated their records to reflect the changes
- make sure all correspondence has been recorded
- update the customer service standard with 'met' or 'not met'

Partial take over or de-merger

If the change request suggests that this is a partial takeover or de-merger and both sponsors hold a valid licence, you must check whether the 'old' sponsor wishes to keep their licence.

If the 'old' sponsor confirms that they wish to keep their licence, you must:

- update both sponsor records with details of the partial takeover
- email the sponsor's AO and at least one other member of key personnel filling in the 'CoC other changes decision notification' letter from the shared drive, confirming that the Sponsorship Operations have updated their records to reflect the changes
- review the CoS
- tell the sponsor that they should continue to report on sponsored migrants through their SMS account (or email if old licence to be made dormant)

If the 'old' sponsor confirms that they do not wish to keep the licence, you must email the sponsor using a CoC request for further information' letter to inform them that:

- if they have migrants with valid LTR they must request to make the licence dormant through their SMS account- you must not pass the case to surrender team if migrants are covered by the TUPE arrangements or similar protection
- if they have no migrants with valid LTR, they must request to surrender the licence

In both circumstances you must ensure that:

- the outcomes of all checks and actions taken are recorded in Metastorm 'perform actions'
- all correspondence has been recorded
- update the customer service standard with 'met' or 'not met'

Dealing with B-rated sponsors subject to an action plan

This section explains what to do when a sponsor subject to an action plan is involved in a merger, de-merger or takeover.

If a sponsor involved in a merger, de-merger or takeover action is subject to an action plan, you must put the case in b/f until the action plan has been completed.

If the sponsor does not meet the conditions of their action plan and their licence is removed, you must:

- refuse the merger, de-merger or takeover request in Metastorm
- email the sponsor's level 1 user and another member of key personnel using the 'CoC other changes decision notification' letter from the shared drive explaining that their request has been refused on the basis of their action plan not being met, and that any migrants held on their licence will be curtailed
- make sure the outcomes of all checks and actions taken are recorded in Metastorm 'perform actions'

- make sure all correspondence has been recorded
- update the customer service standard with ‘met’ or ‘not met’

Related content
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Making a licence dormant

This section explains how to make a licence dormant and when this action is appropriate.

Sponsor management system (SMS) request

Where the sponsor's migrants become the responsibility of another company as a result of takeover action, the 'old' licence must be made dormant. Making the licence dormant is similar to surrendering a licence, but allows the sponsor to continue reporting on migrants through SMS.

If a sponsor wishes to make their licence dormant, they can select this as an option in SMS.

If you identify that the sponsor needs to make their licence dormant, you must contact the sponsor by email and:

- request a change of circumstances (CoC) – Other 'Make licence dormant' request from the old sponsor on SMS
- request a signed surrender declaration from the authorising officer (AO), if still available
- bring forward (b/f) the case for 10 working days awaiting a response

If the sponsor does not submit a request to make their licence dormant, you must issue a reminder email with the necessary wording and b/f the case for 5 working days awaiting a response. If in doubt, or if the sponsor does not complete the necessary action for a second time, you must discuss the case with your line manager.

Checks

You must perform the following checks before proceeding to make the licence dormant.

You must:

- check that there are no sponsored migrants with current leave to remain (LTR) against the licence to be made dormant, that have not been transferred to the new licence
- check civil penalties, searching the sponsor:
  - by company name
  - by postcode
- check Companies House:
  - if you find the sponsor has been liquidated you must speak to your line manager and refer details of the case to compliance

Manually action the change

To complete the request and make the licence dormant you must:

- ensure the results of all checks and actions taken have been recorded in Metastorm perform actions
- enter ‘blank forms’ in Metastorm
- raise ‘manual change of circs’ request
- search the sponsor by unique reference number (URN) to check that you are making the correct licence dormant
- in ‘capture change of circs’ screen, select ‘inform of org restructure’:
    - only by completing this action will the ‘make licence dormant’ option become available
- in the record outcomes screen, select ‘make licence dormant’
- the outcomes of all checks and actions taken are recorded in Metastorm ‘perform actions’
- make sure all correspondence has been recorded
- update the customer service standard with ‘met’ or ‘not met’

Related content
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Allocation changes

This section explains what you must do when considering a sponsor's requests for additional unrestricted certificate of sponsorship (CoS).

Unrestricted CoS

These are for:

- Tier 2 (General) workers applying from overseas who will be paid £159,600 or more a year
- Tier 2 (General) workers who are already in the UK working for the sponsor and need to extend their leave
- Tier 2 (General) workers who are already in the UK working for the sponsor and are changing jobs and the new job is in a different standard occupational classification (SOC) code
- Tier 2 (General) workers who are already in the UK and who want to start work for a new sponsor
- individuals already in the UK under another immigration category and who are eligible to switch into Tier 2 (General), this doesn't include those who are in the UK as a Tier 4 dependant
- Croatian nationals
- high value inward investment posts - where the job offer is for the migrant to work in support of a posting from an overseas firm to the sponsor in connection with the relocation of a high value business to the UK or a significant new inward investment project

Once a sponsor is licensed and has an sponsor management system (SMS) account, they are given an agreed annual allocation of unrestricted CoS:

- for Tier 2 (General) and Tier 2 (ICT), the annual allocation is valid from 6 April until 5 April the following year
- for Tier 5 (Temporary Workers), the allocation period runs from the date the original licence is granted and then for 12 months from the date that a manual renewal request is granted

Allocation requests are split into 2 categories:

- follow-on allocations: these are requests to renew a sponsor's annual CoS allocation
- in-year allocations: these are requests for additional CoS to be added to the licence within the allocation year

The sponsor can apply to add a tier or category to an existing licence at any point during the 4 year validity period of the licence. Therefore, annual allocations in different tiers or categories can expire at different times.

Related content

Follow-on allocation

This is a request to renew a sponsor's annual unrestricted certificate of sponsorship (CoS) allocation.

Sponsors can send a follow-on request to renew their allocation of CoS from 9 months after the allocation was granted.

Automated sponsors will have their annual CoS allocation automatically renewed, and do not need request a follow-on allocation through the sponsor management system (SMS).

Allocate

To start the case use the 'select and assign' function, look through the relevant workstack and select a case to your 'to do' list.

You must then:

- review the sponsor's reason for the request and unique reference number (URN)
- using the sponsor's URN, perform a sponsor summary search
- check the sponsor is licensed and fully active:
  - if the sponsor is B-rated, you will need to read the section on B-rated sponsors before completing your consideration

You must then check the 'cases linked to sponsor' tab, to check whether there are any outstanding changes linked to the case that may impact the CoS request, and arrange for these to be worked by either yourself or a co-worker.

Under the case summary page, read the details of the follow on allocation.

Checks to complete

When completing a follow on allocation request, you must complete the following checks and considerations and follow the linked guidance, recording all resulting actions in the CoS allocation template in the shared drive, before pasting this into the 'justification' box under the 'decision summary' perform action.

You must:

- review the sponsor's licence history:
  - open 'cases linked to sponsor' as pre-licence concerns will be shown in the 'allocation outcome' of the pre-licence case
- check for special markers:
  - a pre-licence marker should also prompt you to look at the pre-licence case
- check for outstanding non-compliance activity

- check that there are no civil penalties against the sponsor:
  - by sponsor's company name
  - by postcode
- review visit history:
  - once in the 'Sponsor visits' tab, check whether the visit report contains compliance information or a recommended allocation limit
- perform non-genuine vacancy checks
- check CoS usage:
  - if the sponsor has applied for an extension or a new CoS for a named individual, use the MI CoS Checker to check the migrant's details and perform immigration and nationality checks

If the checks result in any concerns, for example:

- you are not satisfied the sponsor can offer employment that meets Tier 2 (General) requirements for appropriate rates of pay for the posts on offer
- the posts on offer meet Tier 2 (General) requirements, but there are other posts that do not meet those requirements

you must:

- request further information using the general further information request letter in the shared drive
- bring forward (b/f) the case for 10 working days

If there is insufficient evidence or you have any concerns, grant at 0.

If the sponsor does not respond, or you are still not satisfied that the sponsor can offer employment that meets Tier 2 (General) requirements after further information is received, you must:

- accept the request with the allocation set to '0'
- discuss referring to the Risk Assurance and Capability Unit (RACU) or the Sponsor Compliance team with your line manager if required

If all evidence is provided and the checks return no concerns, or your concerns are removed after a write out, you must:

- make sure all checks have been recorded in the CoS allocation template found in the shared drive and pasted in 'decision summary' in perform actions
- go ahead to complete the follow on request

Complete the follow on request

This section tells you how to grant the sponsor their requested CoS allocation.

Using the CoS allocation template in the shared drive, copy and paste the justification, noting:

- sponsor’s rating
- CoS requested
- CoS used in previous allocation year
- whether there are any civil penalties
- whether the justification is sufficient
- information from Companies House
- whether there are any non-genuine vacancy concerns
- partial or full approval
- any other issues

Then ‘update’ the request:

- return to ‘to do list’ and select ‘allocation decision complete’
- open ‘edit document’
- copy the wording from R500 decision letters in the shared drive for follow on and in year requests, and email the sponsor from the shared mailbox to the authorising officer (AO) and one other member of key personnel
- make sure the outcomes of all checks and actions taken are recorded in Metastorm ‘Perform actions’
- make sure all correspondence has been recorded
- update the customer service standard with ‘met’ or ‘not met’

Related content
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In-year allocation

This is a request for additional certificates of sponsorship within the allocation year.

Sponsors who require additional certificates of sponsorship (CoS) can make an in-year request to have additional CoS added to their licence at any time.

Allocate

To start the case, use the 'select and assign' function, looking through the relevant workstack and select a case to your 'to do' list.

You must then:

- review the sponsor's reason for the request and unique reference number (URN)
- using the sponsor's URN, perform a sponsor summary search
- check the sponsor is licensed and fully active:
    - B-rated sponsors in Tier 2 and Tier 5 can only assign CoS for migrants they currently sponsor to allow them to extend their leave

You must then check the 'cases linked to sponsor' tab, to check whether there are any outstanding changes linked to the allocation request, and arrange for these to be worked by either yourself or a co-worker.

Under the case summary page, read the details of the in-year allocation.

Checks to complete

When completing a follow on allocation request you must complete the following checks and considerations and follow the linked guidance, recording all resulting actions in the CoS allocation template, before pasting this into the 'justification' box in the 'decision summary' perform action in Metastorm.

You must:

- review the sponsor's licence history:
    - open 'cases linked to sponsor'
    - pre-licence concerns will be shown in the 'allocation outcome' of previous cases
- check for special markers
- check for outstanding non-compliance activity
- check that there are no civil penalties against the sponsor:
    - by company name
    - by postcode
- review visit history:

  - once in the ‘Sponsor visits’ tab, check whether the visit report contains compliance information or a recommended allocation limit
- check the roles on offer are genuine vacancies
- check CoS usage:
  - if the sponsor has applied for an extension or a new CoS for a named individual, use MI CoS checker to check what category they were granted under and perform immigration and nationality checks

If the checks result in any concerns, for example:

- you are not satisfied the sponsor can offer employment that meets Tier 2 (General) requirements for appropriate rates of pay for the posts on offer
- the posts on offer meet Tier 2 (General) requirements, but there are other posts that do not meet those requirements

you must:

- request further information using the general further information request letter from the shared drive, using the wording specific to allocation requests
- bring forward (b/f) the case for 10 working days

If the sponsor does not respond, or you are still not satisfied that the sponsor can offer employment that meets Tier 2 (General) requirements after further information is received, you must:

- refuse the in-year request and write to the sponsor using the ‘In-year allocation decision notification’ letter from the shared drive
- discuss referring to the Risk Assurance and Capability Unit (RACU) or the Sponsor Compliance team with your line manager

If all evidence is provided and the checks return no concerns, or your concerns are removed after a write out, you must:

- make sure all checks have been recorded in the CoS allocation template in the shared drive and pasted in the ‘decision summary’ perform action in Metastorm
- go ahead to complete the in-year request

Complete the in-year request

This section tells you how to grant the sponsor their requested CoS allocation.

Using the CoS allocation template in the shared drive, copy and paste the justification, noting:

- sponsor’s rating
- CoS requested
- CoS used in previous allocation year
- whether there are any civil penalties
- whether the justification is sufficient

* Companies House details
* whether there are any non-genuine vacancy concerns
* partial or full approval
* any other issues

Then 'update' the request:

* return to 'to do list' and select 'allocation decision complete'
* open 'edit document'
* copy the wording from R500 decision letters in the shared drive for follow on and in year requests, and email the sponsor from the shared mailbox to the authorising officer (AO) and one other member of key personnel
* make sure the outcomes of all checks and actions taken are recorded in Metastorm 'perform actions'
* make sure all correspondence has been recorded
* update the customer service standard with 'met' or 'not met'

Related content
Contents

Cancelling a CoS

This page explains why you may need to cancel a certificate of sponsorship (CoS) and what to do.

Reasons for cancelling a CoS may include:

- a sponsor being unable to access the sponsor management system (SMS)
- a specific migrant wants the CoS cancelling but the sponsor refuses to cancel it

A sponsor requests cancellation of a CoS

A sponsor's request to cancel a CoS must be submitted by email, letter or fax and may be submitted by either, the authorising officer (AO), key contact (KC) or level 1 (L1) user.

If the sponsor has submitted the request, you must:

- check Metastorm to make sure the requester:
  - is named on the sponsor licence
  - is the AO, KC or L1 user
- establish there is a valid reason for the request
- save the emailed request as a 'standalone letter' to the correspondence tab of the sponsor licence record on Metastorm or, if the request was submitted by fax or letter, you must scan the document and save it to the correspondence tab on Metastorm using the 'standalone letter' function

If the sponsor has provided a valid reason for the request, you must pass your recommendation to your manager for authorisation.

If your manager authorises the request, you must update Metastorm, and cancel the CoS.

If your manager does not authorise the request, you must email the sponsor, making sure to email the AO and at least one other member of key personnel, informing them of the decision.

If the sponsor has not provided a valid reason for the request, you must contact the sponsor to obtain further information, ensuring all correspondence is recorded, and make a recommendation to your manager based on any new evidence provided.

A migrant requests cancellation of a CoS

If the sponsor is unable or unwilling to cancel a CoS assigned to a migrant, the migrant may contact the sponsor casework operations by telephone, letter or email, to request Sponsorship Operations to cancel the CoS on their behalf.

If a migrant has submitted a request to cancel their CoS, you must check:

- that the migrant has undertaken the following actions:
    - they have written to the sponsor requesting their CoS is cancelled
    - they have sent a further letter after 5 days requesting the sponsor cancel the CoS
    - a total of 10 days has expired without the CoS being cancelled the migrant has submitted evidence of correspondence with the sponsor

If the migrant has completed the required actions, you must contact the sponsor to establish why they have not cancelled the CoS.

If the migrant has not completed the required actions, you must contact the migrant and inform them of what they must do before Sponsorship Operations can raise their request with the sponsor.

You must:

- explain to the sponsor that the assigning or use of a CoS does not prevent a migrant deciding to refuse an offer of employment or to seek alternative employment
- give the sponsor an opportunity to cancel the CoS themselves

If after 24 hours the sponsor has cancelled the CoS, you must inform the migrant the sponsor has cancelled the CoS.

If after 24 hours the sponsor has not cancelled the CoS, you must cancel the CoS, and issue a letter to both the sponsor and migrant informing them of your action.

Depending upon the reason for the sponsor failing or refusing to cancel the CoS, you may wish to inform the Risk Assurance and Capability Unit (RACU) if there are any concerns regarding the sponsor's treatment of migrants, or any potential failing of their sponsor duties.

Related content
Contents

Changes to registration or accreditation status

This page explains what to do when a sponsor tells the Sponsorship Operations of a change to their registration, inspection, audit or review status.

Allocate

To start the case, use the 'select and assign' function, looking through the relevant workstack and select a case to your 'to do' list.

You must then:

- review the sponsor's reason for the request and unique reference number (URN)
- using the sponsor's URN, perform a sponsor summary search
- check the sponsor is licensed and fully active

You must then check the 'cases linked to sponsor' tab, to check whether there are any outstanding changes linked to the change of name request, and arrange for these to be worked by either yourself or a co-worker.

New accreditation or registration

Some sponsors must be inspected, audited or reviewed by, or registered with, an appropriate governing body to hold a licence, for example, educational establishments.

If the sponsor notifies Sponsorship Operations that they have been inspected, audited, reviewed by or registered with an appropriate body, you must:

- confirm the inspection, audit, review or registration with the relevant body- you can either:
  - look on the relevant body's website
  - contact them by telephone or in writing
- update the sponsor's record in Metastorm with the details and the expiry date of the inspection, audit, review or registration
- email the sponsor's authorising officer (AO) and one other member of key personnel using the 'change of circumstances (CoC) other changes decision notification' letter in the shared drive informing them that the sponsor licensing unit have amended their records appropriately

If the sponsor notifies Sponsorship Operations that it is no longer appropriately inspected, audited, reviewed by or registered with an appropriate body, you must:

- check accreditation or registration status online

- if unable to verify online, contact the relevant body to confirm the information provided by the sponsor to find out why the accreditation or registration has been withdrawn
- update the sponsor's record in Metastorm
- inform your team leader that the sponsor is no longer appropriately inspected, audited, reviewed by or registered and refer to sponsor compliance for revocation

Related content
Contents

Managing a licence surrender

This page explains what to do if a sponsor wants to surrender their sponsor licence, or suspension is recommended after a compliance visit.

Allocate

To start the case, use the ‘select and assign’ function to look through the relevant workstack and select a case to your ‘to do’ list.

You must then:

- check special markers to see whether there is outstanding or ongoing compliance action against the sponsor:
    - if compliance action is seen, contact the compliance team by email to check whether you can continue, or whether you should bring forward (b/f) the case pending an outcome

If you are not required to hold the case on account of compliance action, you must proceed to:

- review the sponsor’s reason for the request and unique reference number (URN)
- using the sponsor’s URN, perform a sponsor summary search
- check the sponsor is licensed and fully active
- check for the submission sheet and surrender declaration:
    - this must have been signed by the authorising officer (AO)
    - you must note whether the submission sheet and declaration has been signed in the ‘signed declaration’ perform action in Metastorm

You must then check the ‘cases linked to sponsor’ tab to check whether there are any outstanding change requests and arrange for these to be actioned by either you or a co-worker.

If the outstanding change request relates to suspension or revocation action, you must discuss the details of the case with your line manager and refer to the Risk Assurance and Capability Unit (RACU) or compliance to see if there is any outstanding compliance action that would prevent us from proceeding with the surrender.

Reasons for surrendering a sponsor licence

A sponsor may wish to surrender their sponsor licence for the following reasons:

- they have stopped trading
- they no longer employ migrants and have no plans to do so in the future:

    - if the sponsor's migrants are now the responsibility of another company, you must make sure the checks listed below are completed before proceeding to make the licence dormant, rather than surrender
- they decline to pay for an action plan
- they can no longer meet their sponsorship responsibilities for a particular tier
- as a result of economic reasons, they no longer wish to maintain their licence

Checks

You must perform the following checks to find out whether we can proceed with the surrender action.

You must:

- check that there are no sponsored migrants with current leave to remain (LTR) against the licence- if there are, the licence may need to be referred sponsor compliance for revocation
- check civil penalties, searching the sponsor:
    - by company name
    - by postcode
- check Companies House:
    - if you find the sponsor has been liquidated, you must speak to your line manager and refer details of the case to compliance

Complete request to surrender the sponsor licence

This section tells you how to complete the licence surrender.

If, after checks are completed, there is no outstanding compliance action that would prevent licence surrender, you must:

- note the details of your consideration in the 'decision summary' perform action in Metastorm
- make sure the results of all checks and actions taken have been recorded in Metastorm perform actions
- 'accept' the licence surrender
- update the customer service standard with 'met' or 'not met'

To surrender the licence on Metastorm, you must raise a manual surrender through the blank forms menu and select 'Manage a Licence Surrender' and follow the Manage a Licence Surrender User guide in the shared drive.

Send the sponsor a letter from the R500 letters and guidance folder confirming surrender action has been taken and add the details of the case to the surrender spreadsheet in the post licence folder. Both letters and spreadsheets can be found in the shared drive.

Related content

Contents

Allegations and complaints

This section explains how to handle complaints about sponsor licensing related issues with the points-based system.

Your line manager may receive complaints from a sponsor about:

- the way their application has been handled
- the process
- the sponsor casework operations

Sponsor complaints

This page explains how to deal with a complaint from a sponsor about the sponsor licensing process or the Sponsorship Operations.

Sponsorship Operations initially consider complaints received from a prospective or licensed sponsor. You must direct a complaint to the higher executive officer (HEO) team leader. If the HEO is unable to resolve the complaint, it is passed to the senior executive office (SEO) or assistant director.

If it is not possible to resolve the complaint, or the sponsor wishes to pursue compensation for a perceived loss, then you must direct them to the CSI Complaints Allocation Hub. They handle complaints and compensation requests regardless of the sponsor's location in the UK.

Related content
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