



UK Visas  
& Immigration

SPONSOR COMPLIANCE:

FREQUENTLY ASKED QUESTIONS

## Background

If a company wishes to employ a person who is not a settled worker, or who does not otherwise have immigration permission to work in the UK, they will need to be authorised by the Home Office. This is known as a '**sponsor licence**', and employers who hold a sponsor licence are known as 'sponsors.'

A company applies for a sponsor licence by completing an online application form and if successful they are allocated a 'sponsor licence number' which is a unique reference, allowing the Home Office to easily identify and verify authenticity. The **register of licensed sponsors for workers** is published online and updated daily:

[Register of licensed sponsors: workers - GOV.UK \(www.gov.uk\)](https://www.gov.uk/register-of-licensed-sponsors-workers)

A prospective sponsored worker must have an offer of a job which meets the relevant criteria before they can make a valid visa application to enter or stay in the UK and a sponsor confirms such job offer by assigning a **Certificate of Sponsorship (CoS)**. A CoS is an electronic document, also with a unique reference number issued by the sponsor to a worker which confirms the details of the job.

Each sponsor is required to adhere to the relevant duties contained within the **Guidance for Sponsors**. This guidance is updated regularly and can be found at:

[Sponsorship: guidance for employers and educators - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/sponsorship-guidance-for-employers-and-educators)

The Work Routes **Sponsor Compliance Team** are responsible for ensuring that sponsors adhere to published guidance and acting upon those who fail to do so. Action includes:

- **Suspending a licence**
- **Revoking a licence**
- **Downgrading a licence**

## Suspension

### **What is the process when a sponsor licence is suspended?**

If we believe a sponsor is breaching their sponsor duties and/or pose a threat to immigration control, we will suspend their sponsor licence.

The sponsor will then have 20 working days from the date of the written notification to respond to our concerns. The response must be in writing and set out, with any relevant supporting evidence, which grounds they believe to be incorrect and why. We do not hold oral hearings.

If a response is received, we will consider all information and evidence provided and inform the sponsor of our final decision in writing, within 20 working days.

If we do not receive a response, we will go ahead with whatever action we believe is appropriate and inform the sponsor of our decision in writing.

### **How is the company notified?**

We will write to the sponsor giving reasons for the suspension. The suspension letter is sent via email.

### **What impact does a sponsor licence suspension have on a company?**

We will remove the company's entry from the public version of the register of sponsors during the suspension period.

They will also not be able to assign any CoS while their licence is suspended.

### **What impact does a sponsor licence suspension have the workers?**

Workers whom the company are sponsoring at the time of the suspension will not be affected, unless or until we decide to revoke the licence.

Any prospective sponsored workers with open visa applications, will have these placed on hold until reason for suspension has been resolved.

### **Who else is notified?**

We notify several internal stakeholders when a licence is suspended.

Since April 2022, we have also been notifying external agencies of all action taken upon those operating within the Human Health & Social Care sector. We provide:

- The name of the sponsor
- The address, including any branches
- The number of sponsored workers affected
- A brief summary of issues identified.

The agencies in receipt of those notifications are the Department for Health & Social Care (DHSC), the Care Quality Commission's (CQC) Safeguarding & Advice Support Team, Association of Directors of Adult Social Services in England (ADASS) & the Local Government Association (LGA).

## **Outcomes following a suspension:**

### **Reinstatement to A-rating**

#### **What does this mean?**

If a licence has been suspended and we do not later revoke it, we will reinstate it either as an A-rating or a B-rating (see below).

#### **How is the company notified?**

We will write to the sponsor giving reasons for the reinstatement of their sponsor licence. The reinstatement letter is sent via email.

#### **What is the impact?**

If we reinstate a licence with an A-rating, the sponsor is no longer subject to any compliance restrictions.

## **Who else is notified?**

We notify several internal stakeholders when a licence is reinstated to A-rating.

As stated above, for all those operating within the Human Health & Social Care sector we also notifying DHSC, CQC's Safeguarding & Advice Support Team, ADASS and the LGA.

## **Downgrade to B-rating**

### **What does this mean?**

We may downgrade a sponsor licence from an A-rating to a B-rating, as an alternative to revocation action and where and we believe the issues identified can be resolved by issuing a time limited action plan.

### **How is the company notified?**

We will write to the sponsor giving reasons for our decision to downgrade their sponsor licence. The sponsor must agree to adhere to an action plan, the duration of which must not exceed three months. There is a fee for an action plan to cover the cost of its preparation and supervision – the current fee is £1,476.

The downgrade letter is sent via email with instructions of subsequent options and steps that need to be taken, as follows:

- i) Pay for the action plan – the sponsor must pay for their action plan within 10 days of being notified of the downgrade. If payment is received, the action plan is issued.
- ii) Decline to pay for the action plan – if a sponsor does not wish to pay for and follow the action plan, and if they are not sponsoring any workers at the time of the downgrade, they can choose to surrender their licence.
- iii) Do nothing – if the sponsor ignores our downgrade notice and does not pay for the action plan, we will revoke their licence.

### **What impact does a B-rated sponsor licence have on a company?**

We will reflect the change in rating of the company's entry on the public version of the register of sponsors during the period.

They will not be allowed to sponsor any new workers until they have regained their A-rating.

However, the sponsor may assign a CoS to a worker whom they are already sponsoring under and who are eligible to apply for permission to extend their stay. We will decide, under the terms of the sponsor's action plan, how many, if any, CoS they can have to cover extension applications during the period of their action plan.

### **What impact does a B-rated sponsor licence have the workers?**

Workers whom the company are sponsoring at the time of the B-rating will not be affected.

As stated above, we will decide, under the terms of the sponsor's action plan, how many, if any, CoS they can have to cover extension applications during the period of their action plan.

### **Who else is notified?**

We notify several internal stakeholders when a licence is downgraded to a B-rating.

As stated above, for all those operating within the Human Health & Social Care sector we also notifying DHSC, CQC's Safeguarding & Advice Support Team, ADASS and the LGA.

### **What happens after the three-month period?**

We will normally visit the sponsor after three-months to assess whether they are able to fully comply with their sponsor duties and responsibilities. Alternatively, if a sponsor is certain that you have met all of the requirements set out in their action plan, they can request an earlier visit at any time during the three-month period.

If we find that the action plan has been met, the licence is re-rated back to an A-rating.

However, if a sponsor has not complied with the plan at the end of the period, the licence will be revoked.

## **Revocation**

### **How is the company notified?**

We will write to the sponsor giving reasons for the revocation. The revocation letter is sent via email.

### **What impact does a sponsor licence revocation have the company?**

The company will no longer be able to sponsor any workers and they will be permanently removed from the public register of Worker and Temporary Worker sponsors.

### **Is there an appeals process?**

No, there is no right of appeal against a revocation decision.

However, a judicial review can be sought.

### **Can the company re-apply for a licence?**

Yes, they can re-apply for a sponsor licence after 12 months have passed since the date we notified them of the revocation. This is known as a 'cooling-off' period.

### **Are the sponsored workers notified of the decision?**

Yes, the Sponsor Compliance Team will notify each sponsored worker of the revocation soon after. We normally undertake this action one calendar month after the date it occurred.

However, please be aware that their existing permission (visa) remains valid until another Home Office department writes to them to confirm it has been shortened or cancelled.

### **What does it mean to have a visa shortened or cancelled following a revocation?**

## OFFICIAL SENSITIVE

The sponsored workers remaining permission to enter or stay in the UK will normally be shortened to 60 calendar days.

It will not normally be shortened if, at the time cancellation action is considered, the worker has less than 60 calendar days' permission remaining, in those cases permission will still end on the date it was originally due to end.

In either case, the worker must find a new sponsor and submit a new visa application or regularise their stay in the UK through another immigration route before the end of the 60 calendar days, or by the time their permission expires if it was not shortened. If they do not, they must leave the country or face enforced removal.

As stated above, this action is undertaken by another Home Office department. The Sponsor Compliance Team does not handle visas.

### **Who else is notified?**

We notify several internal stakeholders when a licence is revoked.

As stated above, for all those operating within the Human Health & Social Care sector we also notify DHSC, CQC's Safeguarding & Advice Support Team, ADASS and the LGA. We again provide:

- The name of the sponsor
- The address, including any branches
- The number of sponsored workers affected
- A brief summary of issues identified.

# OTHER FREQUENTLY ASKED QUESTIONS:

## Supplementary employment

### **Is supplementary employment allowed?**

Yes, sponsored workers can undertake additional paid work, if they still doing the job they were originally sponsored for.

However, this is subject to a number of conditions.

### **What are the conditions?**

Additional work can be no more than 20 hours a week.

It must be in the same profession and at the same professional level as the work for which the worker's CoS was assigned, or be a shortage occupation role, contained here:

- o [healthcare and education shortage occupations](#)
- o [all other shortage occupations](#).

It must take place outside of the normal working hours for which the worker's CoS was assigned.

Where supplementary employment is permitted, it does not have to be with a licensed sponsor and sponsored workers do not need to advise UKVI of any supplementary employment they undertake.

## Change of employment (job role change)

### **Can a sponsored worker's change job roles within their sponsoring company?**

Yes, they can.

### **What if any action needs to be taken?**

If the new job role falls within the same occupation code as the current CoS, the sponsor must simply report this change via the Sponsor Management System (SMS) within 10 working days.

If the new job role falls within a different same occupation code the sponsored worker must be issued with a new CoS reflecting the new job role, and make a new visa application (even if their existing permission is not due to expire for some time)

Providing the worker applies before their current permission expires, they can continue working in the former role, for the same sponsor as in their last grant of permission until the change of employment application is granted.

## Changing sponsors

### **Can sponsored workers change employers once they are in the UK?**

Yes, they can providing that their new employer has a sponsor licence.

### **What other action needs to be undertaken?**

The sponsored worker must obtain a new CoS from their new employer and make a fresh visa application. This application must be approved before they can commence their employment.

Providing the worker applies before their current permission expires, they can continue working for their 'old' sponsor until such time.