

Evidence – Employment Contract breaches Certificate of Sponsorship restrictions.

https://www.davidsonmorris.com/skilled-worker-change-of-circumstances

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Reporting a skilled worker change of circumstances

When sponsored under the skilled worker route, an individual is permitted only to be employed in the specific capacity stated on the **Certificate of Sponsorship (CoS)** with the company who has **sponsored** their employment in the UK.

The Certificate of Sponsorship outlines the following information:

- Personal details of the migrant
- Place of work
- Role to be undertaken
- **Salary, hours of work**
- Duties and responsibilities

If any of the above details change, this must be reported to the Home Office within 10 working days. Here, the reporting duties lie with the sponsor and with the migrant worker, who are both responsible for ensuring compliance with all conditions in relation to the migrant's employment.

Reporting changes via the Sponsor Management System

All sponsors have access to the **Sponsor Management System (SMS)**. This is the Home

Need advice?

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033 0191 7029

What happens if Tier 2 change of circumstances are not reported on time or at all?

The Home Office can become aware of compliance breaches and failure to notify of changes in a number of ways:

- Anonymous tip-offs from disgruntled employees
- If the migrant worker makes a new immigration application and the incorrect information is identified
- If the organisation is applying to **renew its licence** and the incorrect information is identified
- The Home Office reserves the right to conduct compliance **visits at a sponsor's premises**, where they have powers to inspect all relevant documentation and to interview relevant personnel. Information may come to light during such an inspection.

Failure to report Tier 2 skilled worker changes of circumstances can result in:

- Downgrading of the licence to a B rating – the company can no longer sponsor new migrants and they will be issued with an 'action plan' to take corrective steps
- **Suspension** of the licence or **revocation** – meaning the company can no longer employ migrant workers
- A fine being issued against the employer