



Home Office

# UK Border Agency

WORK PERMITS

SERVICE STANDARDS

Guidance for Employers

From 1 April 2008

**This guidance note provides information on our service standards for handling work permit applications. Our service standards for HSMP, WRS and LTR can be found on our website [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk). They are the minimum standards you should expect. We hope that you will play your part in helping us achieve these standards. Working in partnership will help us give you a high quality, efficient service. This supersedes all previously issued guidance. For the purpose of these guidance notes, the terms 'we', 'us' and 'our' refer to the UK Border Agency. Please note: The arrangements in this Guidance Note will be superseded by the Points Based System (PBS) during the course of 2008/2009. Please check our website [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk) for updates and further information.**

We aim to decide 70% of all work permit (including SBS) applications within 5 working days of receipt by our payment handling service and 90% within 15 working days.

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## What you can expect from us

1. We aim to provide you with the highest standards of service possible.
2. We aim to strike the right balance between enabling employers to recruit or transfer skilled people from abroad and protecting job opportunities for 'resident workers'.
3. We provide understandable, accessible information and guidance, which we periodically review to include changes and to improve clarity.
4. We will acknowledge all applications within five working days of receiving them unless the application is likely to be decided within that time. The acknowledgement will include a telephone and fax number, an e-mail address and a named contact for your enquiries. E-mail applications will be auto-acknowledged on the same day.
5. All letters received from us will give the name and telephone extension of the person dealing with your application.
6. The forms and leaflets are valid until the use-by date printed on each document. If you have a form that has a use-by date that has recently passed you may still be able to use it.
7. If you choose to make an application through a representative, such as a solicitor or other agent, we will correspond with them directly and send our decision on the application to them, provided they are permitted to give Immigration advice (see paragraph 8). **Whether you choose to use a representative will not affect how quickly we consider your application.** The UK Border Agency reserves the right to contact the employer directly to verify details.
8. Representatives acting on behalf of an employer who are offering advice and services provided in connection with an Immigration document application will need to be registered with the Office of the Immigration Services Commissioner (OISC), unless they are exempt from the requirement to do so (see paragraph 14 for OISC contact information).
9. If you are not required to register because you are regulated by a designated legal professional body (as defined by the Immigration and Asylum Act 1999, for example the Law Society); or if you work under the supervision of a registered person; you will need to provide the us with supporting evidence. For example the name of the legal professional body and your membership number.
10. Members of a designated legal professional body that are not regulated by them for Immigration purposes (for example some

registered foreign lawyers or non-practising barristers) should ensure that they abide by the OISC codes of practice and seek regulation with the OISC if they wish to continue to provide immigration advice or services.

11. Anyone unsure of their status should contact the OISC.

12. Employers dealing with their own staff or prospective staff do not need to register with the OISC.

13. If a representative makes an application on behalf of an employer, and that representative is not permitted to provide advice and immigration services (section 84 of the Immigration and Asylum Act 1999), the UK Border Agency will inform both the representative and employer of the requirements of the Act, and send further letters and permits (if applicable) to the employer stated on the application.

14. Queries about OISC requirements should be addressed to:

OISC  
5th Floor  
Counting House  
53 Tooley Street  
London SE1 2QN

Tel: 020 7211 1500  
Fax: 020 7211 1553  
E-mail: [info@oisc.gov.uk](mailto:info@oisc.gov.uk)  
Website: [www.oisc.gov.uk](http://www.oisc.gov.uk)

15. We will consider your application carefully, according to the criteria for work permits set out in the appropriate guidance notes.

16. We will do our best to make a decision on your application by the date you ask.

17. We aim to decide 70% of all work permit (including SBS) applications within 5 working days of receipt by our payment handling service and 90% within 15 working days.

18. We will monitor the extent to which we are meeting your needs and how satisfied you are with our service and will make improvements where necessary.

19. We will continually review our standards of service.

20. We will reply promptly to all enquiries and letters, including telephone and e-mail enquiries. We aim to answer telephone calls within 3 rings, e-mails within 48 hours of receipt and hard copy letters within 15 working days of receipt.

**21.** All work permit applications are treated in confidence in accordance with the Data Protection Act 1998 and the Civil Service Code.

**22.** From time to time we do pass information to other Government Departments, for example where we need to liaise with other parts of the Home Office or British Diplomatic posts overseas on immigration issues and to verify information provided.

**23.** There may be occasions where we have to consult with appropriate organisations in relation to specific labour market issues.

### **What we need from you**

**24.** Please make sure that you use the correct application form and answer all the relevant questions. The guidance notes will help you.

**25.** Please send in any documents, information and appropriate payment that we ask for with the application form. If you do not, this may delay the decision.

**26.** If you receive a letter asking for more information, please respond quickly and cover all the points raised. Replying by telephone, fax or e-mail may save time.

**27.** We welcome any ideas or suggestions on how we might improve our service. Please tell us of your suggestions by contacting our Customer Contact Centre at:

UK Border Agency  
Customer Contact Centre  
PO Box 3468  
Sheffield  
S3 8WA.

Phone: 0114 207 4074  
Fax: 0114 207 4000  
E-mail: [wpcustomers@ind.homeoffice.gsi.gov.uk](mailto:wpcustomers@ind.homeoffice.gsi.gov.uk)

### **What if I do not agree with the decision on my application?**

**28.** The decision letter we send to you will explain the result of our consideration of your application. If we cannot approve your application our letter will explain why, and if appropriate give details of how to request reconsideration of the decision.

**29.** If our letter informs you that the information did not meet our criteria, and you wish to re-apply with further information, please complete a further application form and include the appropriate payment. You should include further evidence to support your application including, but not restricted to, the issues raised in our letter.

**30.** If you think that the decision based on the information sent in with your original application was an error, and you wish us to reconsider your previous application, please write a letter to the team that dealt with your application. You should write within 28 days of the date of original decision letter and explain why you believe that the decision was wrong, with reference to the guidance notes, and make it clear that you are requesting a review of the decision on your previous application. There will be no fee for this consideration, providing you are not asking us to consider new information.

**31.** The Reviews Team will consider the grounds of refusal provided in respect of your initial work permit application and also undertake a full review of all other elements of the work permit decision.

**32.** Before making a decision we may contact the employer/representative for further information to clarify/support the evidence provided with the initial work permit application.

**33.** Where we identify further grounds for refusal, the decision to maintain refusal of an application will stand even when the original ground for refusal has been overturned.

**34.** The Reviews Team will only accept two reviews per original application refused. If your initial review is unsuccessful, you will only be able to seek one further review of the original application. Any further requests for a review received for the same original application will be returned to you. If you wish to proceed with the application, please complete a fresh application form, enclosing the appropriate fee.

**35.** If your application has been refused and you seek a review of the decision or re-apply, your employee should be advised not to apply for further leave to remain unless we have issued an approval for a work permit.

**36.** If your employee does apply for further leave to remain and we have not issued an approval for a work permit then their application will be refused because they have no valid Immigration Employment Document.

**37.** Subsequently if we do issue an approval for a work permit and your employee applies for further leave to remain they will be subject to a further charge, where appropriate.

**38.** If you need more advice on how to make your request, please take this up with our contact named on the letter.

**39.** Our reviews procedure will give you an independent consideration of your application.

**40.** We will aim to let you have a decision within 15 working days of receiving the review request. However, this may take longer if we need to contact you for more information after you have sent in your request.

### **How do I make a complaint?**

**41.** If you are unhappy with the standard of service you have received and you wish to make a complaint, please contact us (see paragraph 27).

**42.** Please be aware that you will be advised to send all complaints in writing.

**43.** Should your complaint be in relation to the general procedures within the UK Border Agency we will reply within 15 working days of receiving your letter.

**44.** Should your complaint be of a more formal nature, i.e. against the behaviour, attitude or general conduct of a member of our staff, we will reply within 8 weeks of receipt of your complaint.

**45.** If it is not possible to give you a full reply within these timescales, for example because a detailed investigation is needed, we will provide you with an interim response. This will tell you how we are dealing with your complaint and when you can expect a full reply.

**46.** The full reply will include details of who to contact next if you believe that your complaint has not been dealt with properly. This will normally be an appropriate senior official.

**47.** If you are still not satisfied, you can ask your local Member of Parliament to contact the independent Parliamentary Commissioner for Administration (the Ombudsman) to review your complaint and how it has been handled. If the Ombudsman is satisfied that your complaint has been dealt with fairly, they will close your case and we will not respond to further correspondence about the matter.

**48.** A copy of our Complaints Procedure is available to customers on request. Should you wish to receive a copy of this guidance, please contact the Customer Contact Centre at the address given in paragraph 27.

# Guidance for Employers

Guidance Notes available:

- General Information - product code GI(G)
- Service Standards - product code SS(G)
- Payment Guidance - product code PAY(G)
- Business and Commercial - product code BC(G)
- Training and Work Experience Scheme - product code TWES(G)
- Sports and Entertainments - product code SE(G)
- Sectors Based Scheme (non Bulgarian and Romanian Nationals) Extensions and changes of employment - product code SBS(G) - Only available on our website
- Sectors Based Scheme (Bulgarian and Romanian Nationals only) - product code SBSBR(G)
- Student Internships - product code SI(G)
- General Agreement on Trade in Services for UK Contractors - product code GUK(G)
- General Agreement on Trade in Services for Overseas Employers - product code GOE(G)

If you wish to request copies of the guidance notes please contact our distribution centre on Tel: 0117 344 1471 or visit our website at: [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk)

Welsh, Braille, large print, and other alternative formats are available on request. For further information on alternative formats, and how to obtain these, please contact the Customer Contact Centre on 0114 207 4074

Who can I contact for further Information?

For general information contact our customer contact centre on:

Telephone: 0114 207 4074  
Fax: 0114 207 4000  
E-mail: [wpcustomers@ind.homeoffice.gsi.gov.uk](mailto:wpcustomers@ind.homeoffice.gsi.gov.uk)

or visit our website: [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk)

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