

## **Technical changes of employment**

If during the validity of the work permit, you wish to amend the personal details of your employee or make minor changes to the information we hold, you should complete a Notification of Technical Change of employment form <http://www.ukba.homeoffice.gov.uk/visas-immigration/working/tier2/work-permit-holders/changeofemploymentapplications/> To be considered as a technical change of employment, the UK Border

Agency need to be satisfied that the individual will continue to work under the same terms and conditions and continue to meet the work permit criteria. Any significant changes to location, salary, level of job or working hours are not considered as technical changes and will be regarded as a change of employment. Significant changes to the job, location or terms and conditions will require a new application under the points-based system.

### **Actions employers need to take**

It is important that we are informed of intended technical changes as soon as possible. If you do not inform us of a change of address, for example, then we, during a compliance check, may be unable to locate your company or the employee concerned. If this happens, we may revoke the work permit(s) concerned, and curtail the leave to remain in the UK of the work permit holder. This may lead to the work permit holder being removed from the UK by the UK Border Agency, and it may make it difficult for those concerned to return to the UK in any capacity in the future. It may also lead to difficulties for your company being allowed to employ migrants in the future, and in some cases, may cause the UK Border Agency to instigate legal proceedings against you. Employers with Bulgarian and Romanian employees do not need to notify the UK Border Agency of any technical changes of employment whilst they remain working for the same employer under the work permit arrangements.

### **Changes we will consider as technical changes of employment**

- ☐ Changes to the individual's personal details, such as change of name on marriage
- ☐ Changes to the company's business address and/or name because of re-branding or relocation.
- ☐ Where both the employee, and the specific job they were approved for, move location
- ☐ Restructure of the company due to takeover
- ☐ When a person's employer is taken over by another employer, the new employer should complete a Notification of Technical Change of Employment form. If there is restructuring within the company as a result of the takeover you should send us details of the restructure, for example, evidence of any redundancies. We will assess whether the change can be accepted as a technical

change.

☐ Temporary reductions in working hours where employers are reducing workers' hours to avoid making redundancies during the current economic climate. A new application under the points-based system is **not** required if:

- ☐ the work permit holder is continuing to work in the same job, with reduced working hours; and
- ☐ the reduced working hours are part of a company-wide policy to avoid redundancies; and
- ☐ you are not treating migrant workers more favourably than resident workers; and
- ☐ the pay or working hours do not reduce by more than 30%; and
- ☐ any reduction in wages is proportionate to the reduction in hours; and
- ☐ the arrangements will be in place for no more than one year.

### **Examples of changes we will not accept as a technical change**

- ☐ The permit holder's duties have changed due to promotion, demotion or restructuring.
- ☐ The permit holder's salary has risen significantly; that is above normal annual increments or pay awards applied to all, or most, staff.
- ☐ Salary reductions, unless applying to all staff
- ☐ Salary reductions where the salary falls below the National Minimum Wage (or below the 'going rate' for the job)
- ☐ The working hours have been increased or reduced significantly (by at least 10%), unless as a [temporary reduction in working hours](#), to that indicated in the work permit application.
- ☐ The permit holder is required to move to a different location to do a similar job for you, but the job for which the permit was issued remains in the original location.

### **You do not need to tell us about**

- ☐ Changes to the employee's home address
- ☐ Gender changes which are not recorded on the employee's passport
- ☐ Salary increases as a result of annual increments or other annual pay awards paid to most staff.

If we consider that the intended change can be treated as a technical change we will confirm this in writing. You should retain this letter with the original documents. If we do not consider it a technical change, a new application under the points-based system will be required.

## **Evidence required**

You should send:

- ☐ A copy of the leave to remain stamp, which can be found in the person's passport.
- ☐ A copy of marriage certificate, decree absolute, deed poll etc.
- ☐ Copies of new or revised employment contracts,
- ☐ Copies of company takeover documentation

Do not send passports or other original documentation when notifying us of a technical change of employment.

## **Fees**

The fee of £22 is payable for each work permit holder affected by a change. It must be paid with the application. If we decide that the proposed change cannot be treated as a technical change, we will refund this fee.

You can send notifications for up to 10 people on one form.

If you are notifying more than one change for a work permit holder you can also send them all on one form.

Where to send the form:

All notifications of technical changes should be sent to:

UK Border Agency  
Technical Changes  
PO Box 499  
Durham  
DH99 1WL