

EXTENSION APPLICATIONS

An extension application is received when an employer wishes to extend the period of employment beyond the length of permission an overseas national has been originally granted. A recruitment search will not usually be required if the person is continuing in the same employment. Employers should complete a WP1X.

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When to apply

Caseworkers should check gLOBE and ensure that the extension application is at least one month but no more than three months before the overseas national's original permit expires by checking the approval period given on the original application on gLOBE. If the application is submitted more than 3 months before the previous permission expires, caseworkers should request a business case describing the exceptional reasons why an application is being submitted earlier than usual. The case should then be referred to an operational HEO or SEO for consideration. This is to ensure the necessary labour market and employment information is accurate and up to date in order to make a proper consideration of the application.

Caseworkers should ensure the employer has demonstrated a continuing need to employ the overseas national for the extended period requested. Caseworkers do not need to check that a recruitment search has been undertaken if the individual is continuing in the same job and for the same employer for which the original work permit was issued.

Caseworkers can request evidence such as payslips and other company information, however, if they have doubts whether the terms and conditions outlined in the original application have been adhered to, or remain the same.

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Company Information

Where the initial approval was limited for 18 months to await further company information, caseworkers should request the additional evidence to show that the employer is still in a position to offer genuine employment for the extended period. The initial approval letter will set out the further information required in order to approve an application for the overseas national for a further period.

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What to do if?

Further information requested at the initial limited approval has now been received – all further information should be checked thoroughly. (see [Establishing Employer](#), [Establishing Overseas National's Experience](#) and/or [Qualifications](#) as appropriate)

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The original application was granted limited approval but no further company information has been made available at extension – The caseworker should ask for the required information. If none is forthcoming, they should refuse the application on grounds of not being satisfied that the employer can continue to provide a genuine vacancy. An explanation that they have not provided any further evidence to show that they are able to continue to provide a genuine vacancy should be included in the refusal letter.

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The application is an extension for a Multiple Entry Work Permit – The case should be refused, as MEWPs cannot be extended. The case should be refused and the employer referred to the relevant section of the guidance notes. They should be advised that a new application for a MEWP should be made on a WP1 and a charge will be made.

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The job has changed from the previous application – Where the overseas national is wanted to do a different job for the same employer, this is a change of employment and the employer must complete a fresh WP1 and will be required to advertise the post (except for Tier 1 applications). This includes in-house restructures or promotions. (also see [Change of Employment](#))

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The employer has changed from the previous application - If the employer or job has changed, the application must be considered as a change of employment and the employer asked to complete form WP1 (see [Change of Employment](#)).

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The salary has changed significantly since the original application - Caseworkers should check whether the permit holder's salary has significantly increased since the initial application. If the salary has risen only because of annual increments it may be appropriate to consider the application as an extension. However, where this is not the case, a higher salary is likely to attract more resident applicants, therefore the employer should be required to advertise the post and thereafter complete a fresh WP1.

Caseworkers should check whether the permit holder's salary has reduced below NMW or the 'going rate' since the initial application. Applications offering salaries below the [NMW](#) should be refused, as such payments do not comply with UK legislation, cannot reflect the going rate for the job and undercut resident workers, thus not meeting the work permit criteria.

A rise or fall in salary would not require a resident labour search if the application is a Tier 1. Please see [Pay and Conditions](#) for more information on NMW, salaries and allowances.

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The extension application has been made more than 28 days after the overseas national's original work permit expired – This should be considered as a new application and therefore treated as First Permission. New advertising of the job would normally be required in these circumstances, however, the EO/HEO may consider waiving the advertising criteria and approving the application exceptionally. If this course of action is approved, the caseworker must ensure that the approval letter states that the case has been approved on an exceptional basis. If waiving the advertising criteria is not appropriate and, after checking with the employer or their representative, no recruitment search has been carried out, the application should be refused and paragraph P83A included in the refusal letter. Caseworkers should note that all refusal reasons should be included in the refusal letter and all letters should be tailored to the individual application.

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The extension is for a case approved under a shortage occupation which is no longer listed – extensions to applications that were originally approved under the shortage occupation category but are now no longer listed should be considered as Tier 2 applications. In these circumstances, advertising may be waived. If the case is approved, paragraph P71M should be used in the approval letter. It should be made clear that all future new applications should be advertised.

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The extension is requested for a period that exceeds the dates of approved contracts for the UK employer – Caseworkers should request a new contract showing the changed deadline and completion date, or the new contract the overseas national will be working on. (see [Contracts](#)). Where the employer does not supply any evidence that the overseas national is working on an extension to a contract they are currently working on, or working on a new contract altogether, the case should be refused on genuine vacancy. Paragraph P80K should be included in the refusal letter.

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