

TECHNICAL CHANGE OF EMPLOYMENT

Changes of employment may be treated as technical changes if, during the validity of the work permit, the employer informs us of minor changes to the information we hold such as, changes to personal details of the worker, the name of the employer or where the employee and the job they were approved to do change location, but without changing the job or making changes to the terms and conditions of the job. No application form is necessary for a Technical Change of Employment, and no fee is charged.

- [Change of Name](#)
- [Job Description](#)
- [Change of Address](#)
- [Employment Terms and Conditions](#)
- [New Contract](#)
- [Company Take-over](#)
- [Salary](#)
- [Working Hours](#)
- [In or Out of Country Application](#)

What to do if?

- [Changes have been made to the job for which the original permit was issued](#)
- [The permit holder's duties have changed due to promotion, demotion or restructuring](#)
- [The new contract alters the substance of the person's employment](#)
- [The new contract is longer than the original length of approval](#)
- [The take-over has had a significant effect upon the terms and conditions of employment](#)
- [The take-over has resulted in redundancies](#)
- [The salary has changed significantly](#)
- [The working hours have reduced/increased](#)
- [Changing from in or out of country applications](#)
- [The details supplied by the employer meets the requirements of the work permit criteria](#)

Change of Name

Where the employer informs us that they have changed their name due to rebranding, for example, or the worker has changed their name, a technical change of employment may be allowed provided no changes have been made to the terms and conditions of the employment.

[\[Back to top\]](#)

Job Description

The details highlighted in the letter from the employer should show any changes made to the job and should be checked against the previous application to ensure that any changes do not substantially alter the nature of the person's employment and that the job continues to meet the work permit criteria, including skills and experience.

[\[Back to top\]](#)

Change of Address

The details highlighted in the letter provided may show that the overseas national is required to do the same job for which the work permit was issued at a different address. This may be because the employer has moved premises or may be because the overseas national is working on a different project or contract. If the person is moving to a similar job for their employer but the original job for which the permit was issued is not moving, a new application will be required.

[\[Back to top\]](#)

Employment Terms and Conditions

When an employer changes address or the employer has been taken over, caseworkers should be satisfied that the overseas national will continue to work under the same terms and conditions and that they continue to meet the work permit criteria. However, caseworkers are not required to do any further checks unless details provided indicate that the overseas national may not be employed under the same terms and conditions as the previous approval.

Caseworkers should ensure the permit holder's duties have not changed due to promotion, demotion or restructuring, as the job will be different from that which we issued in the original approval.

[\[Back to top\]](#)

Salary

Caseworkers should check that the overseas national's salary has not significantly risen in addition to any annual increments, as a higher salary would be likely to attract more applicants if the post were advertised appropriately (if the salary has risen only because of annual increments, it may be appropriate to consider any such application under the technical change of employment category). Caseworkers should also check the permit holder's salary has not been reduced or has fallen below NMW or the 'going rate', as this undercuts resident workers and therefore does not meet the work permit criteria. A rise or fall in salary would not require a resident labour search if the application was a Tier 1.

[\[Back to top\]](#)

Working Hours

Caseworkers should ensure the permit holder's hours have not been significantly reduced/increased (by at least 10%), as working more or less hours may attract other applicants from the resident labour market when the post is advertised appropriately.

[\[Back to top\]](#)

New Business Contract

Caseworkers should check that any new business contract does not alter the substance of the person's employment and that by working on the new contract, the overseas national is not changing jobs.

[\[Back to top\]](#)

Company Take-over

Caseworkers should check supporting evidence of the take-over such as any press releases, contracts or confirmation from Companies House of take-over being logged with them. Caseworkers should assess the information provided to determine if the take-over of the original employer has had a significant effect upon the terms and conditions of the work permit holder's employment. When there have been no significant changes to the person's employment, caseworkers should consider approving the request for a technical change. However, when there have been significant changes to the work permit holder's employment, caseworkers should ask the employer to make a new application (see [Change of Employment](#)) and a fee will be charged.

[\[Back to top\]](#)

In or Out of Country Application

Caseworkers should ensure that the technical change of employment arrangements are not used to obtain a work permit or letter of permission where the employer or their representative has requested an incorrect document on the application. This may occur on occasions when an application is received stating that a person is out of the UK but then the person is found to be in the UK, or visa-versa. As consideration needs to be given to such a case, a new application is required ([Change of Employment](#)) and a fee will be charged.

[\[Back to top\]](#)

What to do if

A change of name has occurred – Where the worker has changed their name, a new file should be created on gLOBE with the new details included. If necessary, a PRN request should be generated. Caseworkers should record the previous application number on the new file for cross-reference purposes. The old file should not be used. Historical details are contained in the old file and no changes should be made other

than instructions on the case comments stating that the old number should not be used and details of the new application number included.

Where the employer has changed their name due to rebranding, for example, the technical change of employment application may be processed as normal and a new employer file created on gLOBE. Caseworkers should record the previous employer reference number on the new file for cross-reference purposes. The old file should not be used. Historical details are contained in the old file and no changes should be made other than instructions on the employer comments stating that the old number should not be used and details of the new employer reference number included.

[\[Back to what to do if?\]](#)

Significant changes have been made to the job for which the original permit was issued – If changes indicate a change to the job, a new application will be required ([Change of Employment](#)). The employer should be advised to fill out a new application form and a fee will be charged.

[\[Back to what to do if?\]](#)

The permit holder's duties have changed due to promotion, demotion or restructuring - as the job will be different from that which we issued in the original approval a new application will be required ([Change of Employment](#)). The employer should be advised to fill out a new application form and a fee will be charged.

[\[Back to what to do if?\]](#)

The new contract alters the substance of the person's employment – as the job will be different from that which we issued in the original approval a new application will be required. The employer should be advised to fill out a new application form and a fee will be charged.

[\[Back to what to do if?\]](#)

The new contract is longer than the original length of approval - Where the new contract does not alter the substance of the person's employment and that by working on the new contract, the overseas national is not changing jobs, the technical change should be approved in line with the overseas national's leave to remain stamp in the passport. If the employer wants the overseas national to work on the new contract beyond the period of leave already granted in the passport, the employer should be advised that an extension application will be required and a fee will be charged.

[\[Back to what to do if?\]](#)

The take-over has had a significant effect upon the terms and conditions of employment - When there have been substantial changes to the work permit holder's employment, caseworkers should advise the employer that a new application will be required (see [Change of Employment](#)) and a fee will be charged.

[\[Back to what to do if?\]](#)

The take-over has resulted in redundancies – Caseworkers should check whether, as a result of the redundancies, the job of the overseas national has changed. If it has, caseworkers should ask the employer to make a new application (see [Change of Employment](#)) and a fee will be charged.

[\[Back to what to do if?\]](#)

The salary has changed significantly – Caseworkers should check that the overseas national's salary has not significantly risen in addition to any annual increments, as a higher salary is likely to attract more applicants when the post is advertised appropriately (if the salary has risen only because of annual increments, it may be appropriate to consider any such application under the technical change of employment category). Caseworkers should also check the permit holder's salary has not been reduced or has fallen below NMW or the 'going rate', as this undercuts resident workers and preventing this from happening is a stated aim of the Border and Immigration Agency. If the overseas national's salary has significantly changed, a new application will be required (see [Change of Employment](#)) and a fee will be charged.

[\[Back to what to do if?\]](#)

The working hours have reduced/increased- Caseworkers should ensure the permit holder's hours have not been significantly reduced/increased (by at least 10%), as working more or less hours may attract other applicants from the resident labour market when the post is advertised appropriately. If the overseas national's hours have significantly changed, a new application will be required (see [Change of Employment](#)) and a fee will be charged

[\[Back to what to do if?\]](#)

Changing from in or out of country application- Caseworkers should ensure that the technical changes of employment arrangements are not used for these purposes. As consideration needs to be given to such a case and new documents generated, caseworkers should request a new application. A fee will be charged.

[\[Back to what to do if?\]](#)

The details supplied by the employer meet the requirements of the work permit criteria - For all cases where a technical change of employment has been agreed, caseworkers should note on gLOBE the changes and generate letter L738 to send to the employer (or their representative) to notify them that we have acknowledged the changes under the technical change of employment criteria. This should involve opening a new application on gLOBE.

Please note, caseworkers should **not** record these changes using a Comp 1 form, a Comp 1 should only be used for correcting errors or recording the reprinting of letters and permits. In order for a new application to be input onto gLOBE, a payment reference number (PRN) is required. For audit purposes PRNs are strictly controlled

and can only be issued in the above circumstances and where a new worker reference number has been created in error as a worker reference number already exists.

The Charging Operations Team will distribute an issues log containing a batch of 50 dummy PRNs to every business team HEO. Once these numbers are nearing exhaustion, HEOs should email Charging to request another batch. Completed issue logs should be signed at SEO level and forwarded to the Charging Operational Team for audit trails.

The technical change of employment case should then be input under a dummy PRN with the appropriate charging code, either *Tech Change No Charge* or *Input error, no charge*.

[\[Back to what to do if?\]](#)

[\[Back to top\]](#)