

Get ready for a UKVI Compliance Visit: A Guide for Sponsors



UK Visas and Immigration (UKVI) compliance officers may visit sponsors on-site or conduct a digital compliance inspection, which involves an interview with the sponsor via a remote video conferencing facility, at any time to carry out checks before, or after, a decision on their sponsor licence application has been made. The purpose of the compliance check is to make sure that the information the sponsor gives UKVI is accurate and that it is able, and continuing to comply with the duties and responsibilities of a licensed sponsor. Visits can be announced or unannounced.

There are certain circumstances in which UKVI “will” revoke an organisation’s sponsor licence. There are also certain circumstances in which UKVI “may” revoke an organisation’s sponsor licence. These circumstances are usually brought to light during a UKVI compliance visit, so it is important that the organisation can provide sound answers to the questions below.

As part of the compliance visit, the UKVI compliance officers may want to:

- check that the sponsor is genuine and trading or operating lawfully in the UK
- inspect records and systems to ensure the sponsor is following its sponsor obligations and adherence to immigration rules; and/or
- conduct checks on other workers to ensure the sponsor is complying with its obligation to prevent illegal working
- speak to any migrant workers
- conduct checks on other workers to ensure the sponsor is complying with its obligation to prevent illegal working
- speak to any of the sponsor’s employees involved in the recruitment of migrant workers

If any of the sponsor's migrant workers perform their employment duties at a third party's office, it is the sponsor's responsibility to ensure that the third party is aware of the possibility of unplanned and unannounced visits and checks being conducted at their premises by UKVI compliance officers, and to ensure their full co-operation.

Examples of the type of questions which sponsors may be asked as part of a compliance visit are set out below. Some of these questions may also be asked of sponsored migrants who are interviewed by the compliance officers to verify the information given by the sponsor.

Common questions about the organisation

What does the organisation do?

Sponsors are required to provide a summary of their business activities in the UK to demonstrate that the organisation is trading or operating in the UK. UKVI may ask for evidence of how long a sponsor has been trading or operating.

Does the organisation have a website? If not, why not?

UKVI compliance officers will want to understand the operational and marketing side of the sponsor.

Does the organisation own or have links to any other business?

Sponsors should describe the structure of their organisation, including group companies in the UK and overseas (and whether any overseas entities are linked entities on the Global Business Mobility licence, where applicable). The organisation should know if any other group companies have their own sponsor licences.

Who are the key personnel and do they have secure email addresses?

Sponsors should be able to confirm who is listed as Authorising Officer, Key Contact and Level 1 and 2 Users on the sponsor licence and they should ensure that each of their email addresses are secure.

Where are the organisation's premises?

Sponsors should disclose the premises from which they operate in the UK and those where sponsored migrants work. UKVI may ask how long a sponsor has been at premises, how long a lease is and ask to see a copy of the lease. Sponsors must notify UKVI of a sponsor change of circumstances via the sponsor management system if they occupy any new premises or vacate any premises previously listed as a place of work on the sponsor licence. Sponsors must also notify UKVI of a migrant change of circumstances if a sponsored migrant's place of work changes during their employment.



Are the premises owned or leased?

Sponsors must update UKVI of a change of premises (both in terms of updating organisational addresses and updating sponsored migrants work addresses). The officer may ask how long a sponsor has been at the premises, the term of the lease and ask to see a copy of it.

Does the organisation have any mandatory accreditations?

Sponsors should be able to detail any accreditations that are required in order for it to operate lawfully.

Is the organisation operating lawfully?

Sponsors are expected to operate lawfully. For example, compliance with the National Minimum Wage requirements (unless exemptions apply) or compliance with the pension auto enrolment provisions.




How is the organisation funded?

Sponsors will be expected to explain any funding arrangements in place.

How many staff does the organisation employ at each of its premises?

UKVI may cross reference this information against the information provided by the sponsor as part of its sponsor licence application.

The number of employees in an organisation can affect whether the Home Office classify the organisation as a “small” or “large” sponsor. **A company is considered small if it meets two of the following qualifying conditions:**

-  A turnover of not more than £10.2 million
-  A balance sheet total of not more than £5.1 million
-  Not more than 50 employees

The size of the business will affect both the level of the sponsor licence application fee and the immigration skills charge payable by the sponsor when sponsoring a migrant worker under the Skilled Worker route.

Sponsors are required to notify UKVI within ten working days if the size of their business changes from small to large or vice versa. The ten working day period runs from the time that the sponsor is aware of the change in the size of its business, such as when its annual accounts are produced, rather than when the accounts are submitted to Companies House.

How many staff are overseas nationals?

Employers are expected to know how many of their staff are overseas nationals and are subject to immigration control and the number of EEA nationals with Pre-settled or Settled Status. The response to this question may be cross-referenced against the answer given by the organisation on its sponsor licence application form.

Does the organisation have a staff list?

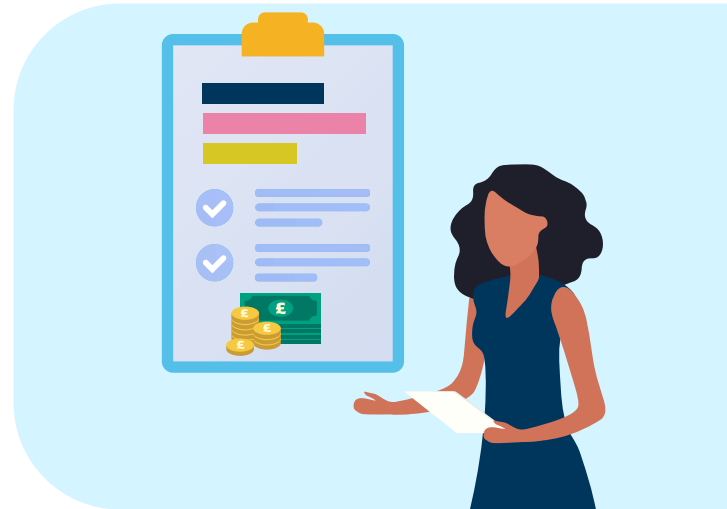
It will assist UKVI compliance officers in their inspection if the sponsor has a full list of its staff. Ideally the sponsor will also have an organisational chart showing reporting lines and each employee's position within the business. Depending on the size of the organisation, this may not be possible.

What is the organisation's long-term staffing strategy regarding overseas workers?

A sponsor should be prepared to explain its approach to recruitment and whether it tries to employ settled workers in the UK where possible. The UKVI compliance officers may also want to know why the organisation has needed to recruit overseas migrants historically and the types of roles that they fill.

What was the sponsor's annual CoS allocation and how many undefined CoS have been used this year?

The UKVI compliance officers may ask for the business justification for the number of undefined CoS requested.



Genuineness of the vacancies

How does the organisation ensure potential employees have the qualifications necessary for their role?

Sponsors are expected to check that their sponsored migrants have the necessary qualifications to perform their roles. Migrant workers must have the qualifications required for their role as stated in the job description and copies of any job advertisement where the role has been advertised.

Do staff require professional accreditations to do their jobs?

Sponsors are expected to check that their sponsored migrants have the necessary qualifications to perform their roles. Migrant workers must have the qualifications required for their role as stated in the job description and copies of any job advertisement where the role has been advertised.

Does the organisation obtain references for all new employees?

Sponsors should be able to explain how references are obtained for new employees and whether they are obtained for all staff.

How many hours per week are sponsored migrants contracted to work?

This information may be checked against the sponsored migrants' payslips, employment contracts, certificates of sponsorship and, if relevant, the job advertisements for the role. Any sponsored migrants that are interviewed by the UKVI compliance officers may also be asked about the number of hours they work and are contracted to work. UKVI are also known to be checking information with HMRC.

What is the hourly rate of pay or annual gross salary for the roles held by sponsored migrants?

Sponsored migrants must be paid at least the appropriate rate for their role. This will be the minimum for the relevant Skilled Worker route or, if higher, the minimum salary as stated in the relevant Standard Occupational Code (SOC code) for the role. Migrants' pay information will usually be checked against their employment contracts, pay slips, certificates of sponsorship and, if relevant, any job advertisements for the role.

Any sponsored migrants that are interviewed by the UKVI compliance officers may also be asked about their level of pay.

Are staff expected to work overtime and, if so, what is the rate of overtime pay?

This information will be checked against the sponsored migrants' payslips, employment contracts, certificates of sponsorship and, if relevant, the job advertisements for the role. Any sponsored migrants that are interviewed by the UKVI compliance officers may also be asked about the amount of overtime they work and how much they are paid for this.

How often does the organisation pay staff?

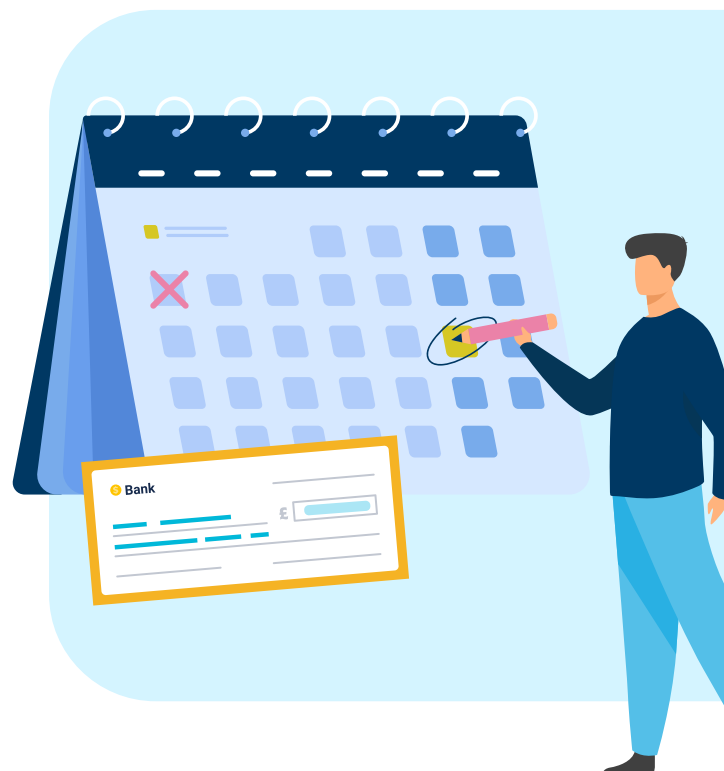
The sponsor should explain whether sponsored migrants are paid weekly, monthly or by some other arrangement.

How does the organisation pay staff?

The sponsor should explain whether sponsored migrants are paid by BACS, cash, cheque or by some other arrangement. Sponsors are not permitted to pay sponsored migrants in cash. UKVI compliance officers may request to see documentation to confirm the frequency of payments.

Including public holidays, how many days paid annual leave are staff entitled to?

This information will be checked against the sponsored migrants' employment contracts and any holiday databases. Any sponsored migrants that are interviewed by the UKVI compliance officers may also be asked this question.



How does the Sponsor track absences?

The UKVI compliance officers will want to check that the sponsor is able to track the attendance of all employees and may ask the sponsor to confirm the following:

- Whether attendance is recorded including holidays, sick leave, working from home, meetings and business travel
- Whether workers work from home and how this is tracked (sponsors must be able to track hours worked, the work undertaken, attendance and absence and comply with its sponsor duties). The compliance officer may ask whether the sponsor has notified UKVI of any sponsored workers working from home (including evidencing their home address) and to justify why they require a migrant worker if they are then able to work remotely. The worker may then be visited at home by the compliance officer
- How an employee reports their absence to the sponsor
- Whether there is a policy on attendance and leave (including business travel, sick leave and holiday)
- That the sponsor understands that, if a sponsored migrant is absent without their reasonable consent for 10 working days, they have an obligation to report this to UKVI

The compliance officer may request a copy of the handbooks, standard contract and any policy document setting out the absence policy.

Does the organisation offer any benefits to its employees?

Sponsors are required to keep a breakdown of the value of any allowances and benefits it gives to sponsored migrants, such as cost of living, accommodation or car allowances. There are strict rules on the proportion of a migrant's pay which can be made up of allowances, and of which allowances can be taken into account, when calculating a migrant's gross annual salary package.

The amount and nature of allowances paid is likely to be checked against the sponsored migrants' payslips, employment contracts, certificates of sponsorship and, if relevant, the job advertisements for the role. Any sponsored migrants that are interviewed by the UKVI compliance officers may also be asked about the benefits which they receive.

Are DBS checks up to date?

Sponsors will be requested to provide evidence that the checks are undertaken and are up to date.



HR systems and processes

Where are personnel files kept?

Sponsors should explain where personnel files, particularly in relation to sponsored migrants, are held (for example, as locked (in fire-proofed cabinets) physical files, password protected electronic documents or a specific named HR or record keeping system). Sponsors should ensure that they are able to provide the documents which they are required to keep as sponsors to UKVI compliance officers, on request.

Where are policies and procedures kept?

Sponsors should explain where their policies and procedures are held, how sponsored migrants can access them and provide copies to the UKVI compliance officers on request.

Are job descriptions kept for all roles?

Where a recruitment process has been undertaken it is recommended that evidence of process be kept for each role performed by a sponsored migrant. UKVI immigration officers will check if the job descriptions on file are the same as those on the Certificate of Sponsorship and reflect what the sponsored workers are doing. Where a migrant has been recruited by a different process evidence should be retained to demonstrate that the job is genuine, and the migrant is suitably qualified for the role. The UKVI compliance officer may request a sample of a sponsored employee's work to ensure that it is line with their job description.

Do staff have contracts of employment or for services?

There is no legal requirement for an employee to have a written contract of employment. However, Section 1 of the Employment Rights Act 1996 requires an employee to be given a statement of certain specified terms within two months of starting employment. It is advisable that offer letters and employment contracts include right to work in the UK clauses.

Sponsors should ensure that contracts of employment accurately reflect what sponsored migrants are doing and their rates of pay. This information should be consistent with the information recorded on the migrants' certificates of sponsorship and any updates made via the sponsor management system. Any discrepancies are likely to be picked up by a compliance officer.

Sponsors must keep copies of each sponsored migrant's contract of employment.

Record keeping and reporting duties

Is payslip and payroll information readily accessible?

In accordance with sponsor record keeping duties, sponsors must be able to make payslip and payroll information available to UKVI compliance officers on request. Sponsors should consider how best to access copies of payslips and payroll information for migrants who are paid overseas.



How is staff absence monitored?

Sponsors should be prepared to explain how they track and monitor staff attendance and absence records. UKVI compliance officers may want to see in practice how this is monitored. Sponsors are required to notify UKVI of any sponsored migrant's absence without approval.

Where are workers based?

UKVI should have been informed of all the organisation's premises where sponsored migrants may work. If a sponsored migrant's place of work changes during their employment, UKVI should be notified of this within ten working days.

How does the organisation monitor staff working from home?

Where a sponsor allows sponsored migrants to work from home, it should be able to explain how it monitors them. This includes the hours they work, the work they perform and their attendance and absence record.

What is the organisation's recruitment process?

Sponsors must be able to explain their approach to recruitment, including who is involved or responsible for recruitment and how applicants are identified and assessed. The sponsor may need to demonstrate that it is aware that migrant workers can only be offered genuine vacancies in the UK. The Authorising Officer should be the most senior person in the organisation responsible for the recruitment of all migrant workers. If not, the reason for this will need to be explained. Sponsors should ensure that their HR files contain any requisite evidence of recruitment.

Does the organisation make attempts to recruit in the UK?

Sponsors must be able to explain their recruitment practices as the UKVI immigration officer will want to understand what attempts are made to recruit settled workers.

Have the sponsored workers or potential sponsored workers previously worked for the organisation prior to sponsorship?

If this applies, UKVI compliance officers will consider if a genuine vacancy applies.

What interview questions are asked? Does the organisation have a set list of questions when interviewing?

Sponsors should be able to detail their recruitment practices. UKVI compliance officer may check if standard questions are asked or, if different, the reasons why.

Keep records of all the checks carried out. The UKVI compliance officer will want to review any system that the sponsor has for retaining copies of right to work checks and recording visa status

Not employ anyone it knows or has reasonable cause to believe is an illegal worker

Right to work checks

How does the organisation monitor staff working from home?

It is unlawful to employ someone who does not have the right to reside and the appropriate right to work in the UK, or who is working in breach of their conditions of stay. The sponsor should explain the process it follows to verify the eligibility of new staff to work in the UK. The UKVI compliance officers will expect the sponsor to demonstrate an understanding of manual and digital right to work checks and when each type should or must be used.

To comply with its obligation to prevent illegal working, an employer must:

Carry out "right to work" checks on all prospective employees before the employment starts

Conduct follow-up checks on employees who have a time-limited permission to live and work in the UK, or require a document to evidence their right as in the case of non-EEA family members of *EEA nationals*, or an application pending

Has the organisation carried out right to work checks on all staff?

Sponsors should be able to show UKVI compliance officers' evidence of the right to work checks that it has conducted on existing staff




How does the organisation monitor entry clearance visa, or leave to remain, expiry dates?

Employers should conduct follow-up right to work checks on employees who have a time-limited permission to live and work in the UK, or require a document to evidence their right as in the case of non-EEA family members of EEA nationals or an application pending. Sponsors should be able to demonstrate the system they have in place to monitor and, ideally, alert at least two other employees, to leave to enter or leave to remain expiry dates.

Managing the licence

Who are the current key personnel?

The key personnel are:

-  The Key Contact
-  The Level 1 and Level 2 users
-  The Authorising Officer

If the sponsor is given notice that a compliance visit will be happening, it is particularly important that the key personnel are available to meet the UKVI compliance officers unless there are very good reasons why that is not possible. The list of the key personnel on the sponsor licence should be kept up to date at all times. For example, if any of the key personnel leave the organisation, they should be deactivated via the sponsor management system and, if necessary, replaced. Failing to have a Level 1 user or Authorising Officer in place are grounds by which UKVI may revoke the sponsor licence. UKVI often discover that a member of an organisation's key personnel has left the organisation if they receive an email "bounce-back" from one of its communications to sponsors. It is therefore imperative that key personnel are replaced as soon as possible if they are known to be leaving the organisation.

Do the key personnel have secure emails and are sponsor management system user details kept confidential?

Key personnel should have access to secure email accounts so that other staff members cannot gain unauthorised access to the organisation's sponsor management system. UKVI will take action against sponsors whose key personnel share passwords and login information to the organisation's sponsor management system. Such action could include the downgrading or the revocation of the sponsor licence

How many staff are sponsored or subject to immigration control?

Sponsors are expected to know which of its staff are sponsored or subject to immigration control. Sponsors should consider maintaining a list of their sponsored migrants and those who are subject to immigration control, along with their job title, contact details and the expiry date of their visa or leave to remain in the UK.

Each year (usually on the anniversary of your licence), sponsors must request a new allocation of undefined CoS, with a justification for the number requested. In some cases, UKVI automatically allocates sponsors with a number of undefined CoS, based on their historical levels of usage. The compliance officers will assess the number of undefined CoS that the sponsor has been allocated for the year against the likely need for those undefined CoS, based on the organisations future proposals in respect of recruitment and growth.

What roles do sponsored staff fulfil and why are these roles necessary?

The purpose of this question is to determine whether the roles performed by sponsored migrants are genuine vacancies in the UK.

A genuine vacancy is one which:

- Requires the jobholder to perform the specific duties and responsibilities for the job and meets all the requirements of the tier and category
- Does not include dissimilar or lower-skilled duties

Examples of vacancies that are not considered to be genuine include but are not limited to:

- One which contains an exaggerated or incorrect job description to deliberately make it appear to meet the requirements of the tier and category when it does not
- A job or role that does not exist, created in order to enable a migrant to come to, or stay in, the UK
- Advertisements with requirements that are inappropriate for the job on offer, and have been tailored to exclude resident workers from being recruited

What evidence does the organisation have of its sponsored employees' work?

Compliance officers may ask to see examples of the work that sponsored migrants have performed to ensure that it is in line with the role specified on the job description. This is particularly likely where the compliance officers have concerns that there is no genuine vacancy and the role performed by the migrant is not as highly skilled as the role set out in the job description.

Record keeping and reporting duties

What information was supplied as part of the organisation's sponsor licence application?

Organisations are required to keep a copy of the information submitted to UKVI in support of their sponsor licence application. Compliance officers may request a complete copy of this information. This information will often be a useful point of reference once the licence has been approved to check which of the organisation's premises are in the UK and, if the organisation has an Intra Company Worker licence, which overseas linked companies UKVI has been made aware of.

How are changes to the organisation captured and has UKVI been notified of the changes?

Sponsors are required to report significant changes to their own circumstances to UKVI via the sponsor management system within 20 working days. This includes reporting if the organisation sells all or part of its business, stops trading, goes into administration, substantially changes the nature of its business, is involved in a merger or is taken over.

Sponsors should be prepared to explain how this information is captured, whether it maintains a record of historical changes and the reasons why any notifications have been made outside of the required timeframe.



How are changes to staff details captured? Is the record historical? Has UKVI been notified?

Sponsors are required to report changes to sponsored migrants' circumstances to UKVI via the sponsor management system within specific timeframes (usually ten working days). **This includes reporting:**

- If a sponsored migrant does not turn up for their first day of work
- If a sponsored migrant's employment is terminated earlier than shown on their certificate of sponsorship (CoS)
- A promotion or change in job title, or core duties, other than those which need a change of employment application
- A change of salary from the level stated on the CoS, other than changes due to annual increments or bonuses
- A change of salary from that stated on the CoS due to maternity, paternity shared parental or adoption leave, or a period of long term sick leave lasting one month or longer
- A change to the location they are employed at

Sponsors should be prepared to explain how this information is captured, whether it maintains a record of historical changes and the reasons why any notifications have been made outside of the required timeframes.

Does the organisation have a system for keeping staff contact details up to date?

In accordance with sponsor record keeping duties, sponsors must keep up-to-date contact details for their sponsored migrants and retain historic details. Sponsors should be prepared to explain whether there is any formal system for keeping this information up to date.

A UKVI compliance officer may consider that any differences in the contact details provided by the sponsor and the migrant (when interviewed) indicates that the sponsor is not fulfilling its sponsor duties.

The sponsor may be asked to:

- Confirm that they request contact details prior to commencing employment (the sponsor could be asked to show a copy of the offer letter or contract requesting this)
- Confirm what contact details they request (for sponsored migrants, the sponsor must at least request an employee's home address, telephone number, mobile number and contact details for next of kin)
- Confirm how and where the contact details are recorded
- Confirm how they maintain up to date contact details on an ongoing basis
- Confirm if there is an obligation in the contract or handbook requiring employees to update the sponsor of changes to their contact details

What procedure does the organisation have in place if a sponsored migrant fails to show up for work or was absent without permission?

Sponsors are required to notify UKVI should a migrant worker fail to show up for work, this includes where a visa has been refused and the sponsor is no longer sponsoring a migrant worker. UKVI compliance officers may wish to know how the Level 1 users in the organisation would know this information so that they can report this to UKVI via the sponsor management system. This can be a particular issue in larger sponsor organisations.



This resource was produced in partnership with

