



## Tier 2 Audit Process

Approximately half of audits are announced; the other half are sprung upon sponsors. It may be possible to anticipate an audit; common triggers for a visit from UKVI are:

- Specific intelligence about the company - i.e. unusual activity.
- Specific intelligence about individuals working for the sponsor - i.e. HMRC/DVLA/banks/right to rent checks.
- A change in policy placing the company or migrant workers in a higher risk category (e.g. care homes, IT sector, car washes, restaurants are all on the Home Office hitlist!)
- Bounced emails relating to sponsor licence e.g. indicating that an Authorising Officer has left.
- Sponsor licence renewal or application for a new licence.

A UKVI audit will typically examine all areas of Tier 2 compliance. This will mean reviewing your policies and procedures in order to gain an understanding of what processes you have in place to support compliance. This will be followed by a review of individual employee records, as evidence of these processes working. Most audits will be structured around the 'Sponsor Interview Record' - a Home Office document used to standardise inspections. Some inspectors may take a more freestyle approach, but you should expect that the following compliance areas will be looked at in detail:

### Area 1: Monitoring Immigration Status & Preventing Illegal Working

- Full copies of each employee's passport, immigration status and evidence of their right to work in the UK.
- Evidence of when the right to work check is undertaken – is this before employment starts?
- Procedures to ensure non-employment of individuals without the right to work.
- Procedures to stop migrants from working if they are no longer eligible to do the job.
- Knowledge of recruiting staff surrounding their responsibilities for preventing illegal working.
- Ongoing checks for staff with time limited visas to ensure expiry dates not missed.

### Area 2: Maintaining Employee Contact Details

- Evidence of maintaining up to date contact details: home address; telephone numbers etc.
- Procedure to ensure details are updated.

### Area 3: Record Keeping

- Evidence of required records for each sponsored employee, as per Appendix D.

Correct as at 25 June 2020.

Please note the publication date of this article; changes may have occurred.

Immigration law changes rapidly. This document may not reflect the most current legal developments.

#### **Area 4: Migrant Tracking**

- What is the procedure/mechanism for tracking absences?
- Do the relevant individuals know what circumstances need to be reported to UKVI, and the timescales for doing so?

#### **Area 5: Recruitment Practices & Professional Accreditations**

- Understanding of recruitment methods.
- Evidence of resident labour market test for recruitment of sponsored employees: copies of adverts, shortlisting, interview notes, appointment decision & justification for not employing settled worker.

### **Tips for a Successful Audit**

#### **Cooperation**

Sponsors are required to cooperate with UKVI; it is stipulated as a sponsor duty. Therefore, we urge you to allow access to your buildings, and records. With half of all inspections being unannounced, it is very likely you could be inconvenienced by their abrupt arrival. It is your duty to provide them with everything they need. Be nice!

#### **Trust**

The implication from the objectives of sponsor duties, is that sponsors are to work hand in hand with UKVI to reduce risks to immigration control. It is clear that the issue of trust is key for the Home Office. It is stated at the beginning of, and throughout the [Tier 2 Sponsor Guidance](#). Trust requires sponsors to act within the spirit of the guidance, as well as to the letter. It is worth keeping the importance of UKVI's trust in you as a sponsor at the forefront of your minds during an inspection.

#### **Grab Pack**

We recommend having all your policies and procedures kept in one file, ready to provide to the inspectors. A cover sheet listing all the documents within the pack will enable you to keep these up to date, and demonstrate awareness of your sponsor duties. This file will provide a positive first impression, helping to build the trust and set the tone of your inspection. We provide a sample cover sheet for your grab pack within our One Stop Shop.

#### **Confidence**

It goes without saying that confidence in your compliance will significantly reduce your concerns regarding any inspection. Keep updated with any changes in compliance and provide regular training for all the key employees responsible for sponsorship compliance.

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