

THE TWO ACADEMY

Employer Sponsorship Portfolio: Audit Preparation

Course Workbook



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Introduction

Welcome!

This is the course companion workbook for our course: Employer Sponsorship Audit Preparation

Download and save this workbook before filling in your answers. It is editable – all you have to do is click inside the boxes or above the solid lines to type your answers. You can also print the workbook and complete it by hand if you prefer.

In this course we will teach you about becoming a sponsor. After learning everything we have to share with you, you will need to take action in order to ensure your processes and procedures support sponsor compliance. This workbook can then become your reference point; once downloaded and saved, it is yours to keep, print or save on your computer. Forever. Well, perhaps not forever, but for a while ...

The workbook is designed for you to use side by side with the learning. It follows the same structure as the course and has space for your notes; it contains useful tips and links to external websites and other useful reference material.

Don't Be Stuck

If you have difficulty with any element of the course, or in becoming a sponsor, please do let us know. You can contact us by via email: info@twolimited.co.uk or telephone: 01293 889691.

Disclaimer

Immigration rules and regulations do change. We make every effort to keep our material up to date, but cannot guarantee this. Please always double check before taking action based on the information in this workbook and associated course.

Course Notes

Purpose of UKVI Audit	
What Happens	
Key Areas of Interest	

Common Errors	
After the Audit	
Compliance Breach	
Tips From TWO	

Reference Material

Record Keeping Checklist

As a licenced sponsor, you must keep the following on record either as paper or electronic copy:

Sponsor Licence	
All documents submitted as part of your application to become a sponsor.	
For Each Sponsored Worker	
Evidence you have checked that each of your sponsored workers has the legal right to work in the UK and do the work in question for you.	
Copy of National Insurance number (unless exempt from requiring one) e.g., wage slip, P45, P46 etc.	
Evidence of worker's date of entry into UK. <i>*see notes below</i>	
History of contact details (UK residential address, telephone no., mobile no. personal email). N.B. This must be kept up to date.	
Record of absence(s); either electronically or manually.	
Copy of contract of/for employment; clearly showing start & end dates, salary & job details, hours of work, as well as names & signatures of all parties involved (i.e., employer/employee).	
Detailed & specific job description, outlining duties & responsibilities of post & including skills, qualifications & experience required.	
Copies of any qualifications or documents to show skills & experience for job e.g., references. If a qualification is a stipulated requirement within the job description, a copy must be kept on file.	
Copies of any registration and/or professional accreditation documents.	
Copy of DBS check, where required for the role.	
Any other document specified in the sponsor guidance and relevant code of practice.	

*You now must check the worker entered the UK during the validity period of their visa. This is not applicable to those already within the UK with a valid visa - it is for entry into UK only. Points to note:

- If they entered before the 'valid from' date on their visa, they do not have permission to work.
- In most cases, the date of entry will be evidenced via an ink stamp on the visa within the passport. You must therefore make & retain a copy of the stamp.
- Re. nationals of AUS, CAN, JPN, NZ, SNG, SKR, USA. Nationals of these countries are eligible to use automated e-passport gates to enter the UK. In such cases you must check the date of entry coincides with the entry clearance validity date via other evidence. e.g. ticket, boarding pass.
- In these circumstances, you must make a record of the date the worker entered the UK, but you do not need to retain the evidence. N.B. Consider your system requirements in order to keep a record of this date.

Evidence of Genuine Vacancy

Evidence if Vacancy Advertised	
Advert Location: information about where the job was advertised (for example, website address), and for how long	
Advert Details: a screenshot, printout or photocopy of the advert, or a record of the text of the advert.	
Applicants: a record of the number of people who applied for the job, and the number of people shortlisted for interview or for other stages of the recruitment process.	
Process: At least one other item of evidence or information which shows the process you used to identify the most suitable candidate – e.g., copy or summary of interview notes; interview questions used; brief notes on reasons for selection/ rejection decisions etc.	
Evidence if Vacancy Not Advertised	
Written Explanation (and evidence where practical): How you identified the worker was suitable e.g.	
<ul style="list-style-type: none"> • the worker was already legally working for you on another immigration route and you established they were suitable for the role through their previous performance. • the worker applied to you outside of a formal advertising campaign (made a 'speculative' application) and you were satisfied (for example, by interviewing them and/or checking references or qualifications) they had the necessary skills and experience to do the job. 	

Evidence of Resident Labour Market Test

For those roles sponsored before 01 December 2020, a resident labour market test may have been required (refer to the archived Tier 2 and Tier 5 sponsor guidance to ascertain if this was the case). If you were required to undertake a resident labour market test, you will need the following records:

Evidence of Recruitment	
All applications shortlisted for final interview, in the medium they were received (e.g., emails, CVs, application form). This should include applicant's name, address, date of birth.	
Notes from final interviews & reasons for rejecting each settled worker.	
Advert: Copy of the advert, must show job title, location, duties & responsibilities, skills qualifications & experience needed, salary & closing date	
National papers/professional journals: Copy of the advert as it appeared in the given medium. Must show title & date of publication, and closing date for applications. Where the advert does not show your name, a copy of a letter/invoice from the newspaper/journal.	
Milk rounds: a headed letter from each university, confirming dates & method used.	
Internet: screenshot from hosting website. Must clearly show name of website; contents of advert; date & URL; closing date. This screenshot should be taken on the day the vacancy is first advertised, unless the website clearly shows the date the vacancy was first advertised (in which case the screenshot can be taken at any point).	
Internet: If the advert is not on your own website, and does not show your name, a copy of a letter/invoice from the website is required.	
Find a Job: screenshot from website which clearly shows logo of government website; advert contents; jobcentre vacancy reference number; date; URL; closing date for applications. This screenshot should be taken on the day the vacancy is first advertised, unless the website clearly shows the date the vacancy was first advertised (in which case the screenshot can be taken at any point).	
If Sponsored Researcher (only applicable for supernumerary research roles): evidence of the competitive process e.g., advert for the grant, a programme for the selection process; judging criteria.	
Recruitment Agency: copy of contract between you & agent; copy of the invoice; copies of adverts placed which clearly show title of publication, dates and advert as it appeared.	

Monitoring and Reporting Migrant Activity

All your reporting duties as a licensed sponsor:

You must report the following information or events about sponsored migrants within the time limit given:

- If you must stop sponsoring the individual as their **visa application has been refused**.
- If they **do not start the role for which they are being sponsored**, you must report this within 10 working days. You must include the reason the migrant gives for non-attendance (e.g., a missed flight).
- If they are **absent from work for more than 10 working days**, without your reasonably granted permission, you must report this within 10 working days of the 10th day of absence.
- If their **contract of employment or registration ends earlier than was originally intended** (including if they resign or are dismissed), you must tell the Home Office within 10 working days. You must include the last recorded residential address, telephone number & personal email address that you have for the migrant.
- If you **stop sponsoring** them for any other reason (e.g., if they move into an immigration category with a different sponsor or one that that does not need a sponsor, their permission to stay in the UK ends, or if the migrant takes a period of unpaid leave which is not covered by the exceptions, you must report this within 10 working days.
- If there are any **significant changes in their circumstances** – e.g., a change of job which does not require a change of employment application to be made, a change of salary (not an annual pay rise or bonus), or a change of work location, you must tell the Home Office within 10 working days.
- If you have any information that suggests that they are **breaching the conditions of their leave**, you must tell the Home Office within 10 working days.
- You must notify the Home Office of any **changes to your details**, e.g., changing your key contact or authorising officer, or a change of address. The Home Office may ask for more details and may ask for

documentary evidence to support the change you are requesting.

- If there are any **significant changes in your circumstances** (e.g., if you stop trading or become insolvent, substantially change the nature of your business, are involved in a merger or are taken over), you must report this within 20 working days.

Terrorism or any other criminal activity

If you suspect they are engaging in terrorism or any other criminal activity you must give the police any information you have.

USEFUL RESOURCES

Part 1 Apply for a Licence:

<https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-part-1-apply-for-a-licence>

Part 2 Sponsor a Worker:

<https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-part-2-sponsor-a-worker>

Part 3 Sponsor Duties & Compliance (Includes Annex C1, Annex C2 and Annex C3)

<https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-part-3-sponsor-duties-and-compliance>

Appendix D:

<https://www.gov.uk/government/publications/keep-records-for-sponsorship-appendix-d>