Points-based system sponsor compliance visits

Version 15.0
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About this guidance

This guidance gives compliance officers guidance for pre and post licence sponsor compliance visits and assessments.

It gives guidance on the:

- areas you must consider when carrying out a visit
- processes you must follow before, during and after a visit

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you, or you think that the guidance has factual errors, email the Migration Policy Unit.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on), or have any comments about the layout or navigability of the guidance, you can email the Guidance Rules and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version 15.0
- published for Home Office staff on 19 February 2018

Changes from last version of this guidance

The main change is the removal of parts of the guidance about making a recommendation. Other changes reflect the updated Immigration Rules and some minor housekeeping.

Related content

Contents
Sponsor compliance visits

This section explains the principles of sponsorship compliance visits.

Sponsorship is based on 2 fundamental principles:

- those who benefit most directly from migration (that is the employers, education providers or other bodies who are bringing migrants to the UK) must play their part in making sure the system is not abused
- the Home Office needs to be sure those applying to come to the UK to do a job or study are eligible to do so, and a reputable employer or education provider genuinely wishes to employ or enrol them

Sponsor duties

A sponsor is responsible for fulfilling certain duties from the day their licence is granted until:

- they surrender their licence
- they let their licence lapse
- the Home Office revokes their licence

Their responsibility for a migrant starts on the day they assign a certificate of sponsorship (CoS) or a confirmation of acceptance for studies (CAS) and ends:

- when they notify the Home Office that they are no longer sponsoring the migrant for any reason
- when the migrant leaves the UK and their entry clearance or leave to remain expires
- when the migrant is granted further leave to remain with a different sponsor or in another immigration category
- if the migrant is a Croatian national and has worked lawfully in the UK for a period of 12 continuous months

Key personnel

The sponsor is required to give certain responsibilities to members of their staff, some or all of whom will have access to the sponsorship management system (SMS) once they have been granted a licence. These are known as ‘key personnel’. There are 4 roles:

- an authorising officer (AO)
- a key contact (KC)
- a level 1 user
- a level 2 user
These roles can be filled by the same person, or a combination of different people.

Each of the sponsor’s key personnel must be:

- permanently based in the UK for the duration of the period that they fill the role appointed to them
- a paid member of the sponsor’s staff or be engaged by the sponsor as an office holder

A sponsor must always have in place a level 1 user who is able to undertake their day-to-day sponsorship activities. Only level 1 and 2 users have access to the SMS. SMS users must not assign a CoS or CAS to themselves, a close relative or a partner. A close relative or partner is a:

- spouse or civil partner
- unmarried or same-sex partner
- parent or step-parent
- son or step-son
- daughter or step-daughter
- brother, step-brother or half-brother
- sister, step-sister or half-sister
- nephew, niece, cousin
- father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-law

If an AO or KC requires access to the SMS, they must be set up as a level 1 or 2 user as well.

**Tiers 2, 4 and 5**

The tiers that you will assess are Tiers 2, 4 and 5:

- **Tiers 2 and 5** are employment routes:
  - Tier 2 relates to skilled employment
  - Tier 5 relates to temporary employment
- **Tier 4** is the student route

**Compliance officer role**

It is important you understand the responsibility of your role. You play a vital role in:

- assessing sponsors
- making sure the principles of sponsorship are maintained
- contributing to the Home Office priorities of:
  - securing our borders
  - reducing immigration
  - protecting citizens from terrorism
The main focus of your role is on the sponsor, with a secondary focus on the sponsored migrants.

**Assessing the sponsor**

You are primarily assessing:

- that a licensed sponsor is meeting their sponsorship obligations
- that a prospective sponsor has the necessary systems and procedures in place to meet their sponsorship obligations
- the accuracy of information given on the sponsor licence application
- whether the sponsor is complying with their obligations to prevent illegal working

Your assessment will lead to one of the following outcomes:

- the sponsor licence application will be approved or, in the case of an existing sponsor, they will maintain their current licence status
- refusal of the sponsor licence application or, in the case of an existing sponsor, they may:
  - have their allocation of CoS or CAS reduced or removed
  - for Tier 2 and 5 sponsors, be downgraded to a B-rating and be issued with a time-limited action plan
  - for Tier 4 sponsors, be issued with a time-limited action plan (downgrading to a B-rating does not apply to Tier 4 sponsors)
  - have their licence suspended
  - have their licence revoked

Your assessment could also decide if a sponsor qualifies for premium customer service.

**Assessing a migrant**

In assessing sponsor compliance, you will come across migrant information either through migrant interviews or through information that the sponsor provides. Based on this information, you may need to make more migrant checks which might lead to you:

- reporting intelligence on potential abuse by a sponsored migrant such as working contrary to the conditions of their leave
- providing intelligence to other parts of the Home Office about an overseas national who may not be a Tier 2, 4 or 5 migrant but may be breaching the Immigration Rules

When completing the report, you must:

- state only facts without reliance on assumptions, inferences or opinions
• only refer to the information you gather about a sponsored migrant or overseas
  national in your assessment of the sponsor
• include any migrant compliance issues that do not relate to the assessment of
  the sponsor in a separate supplementary evidence form

The ‘Sponsorship: guidance for employers and educators’ advises sponsors that
they must act honestly in any dealings they have with the Home Office and other
government departments. If the sponsor provides you with false information during
your visit, or you obtain evidence that shows they are involved in dishonest activity,
you must report this as a breach of their sponsorship obligations.

Related content
Contents
Compliance visits

This section tells you the types of compliance visit you can carry out.

You will deal with 2 main types of visit:

- pre-licence assessment visit
- post-licence compliance visit

Pre-licence assessment visit

A pre-licence assessment visit is visiting the premises of an employer or educational institution that has applied for a sponsor licence, or has an existing sponsor licence but is applying to add another tier to it. Your visit findings will be considered by Sponsor Operations when they decide whether to grant the potential sponsor a licence or another tier.

Pre-licensing visits also include where a Tier 4 probationary sponsor has applied for Tier 4 sponsor status.

When carrying out a pre-licence assessment visit, you must check:

- the potential sponsor has the necessary human resource (HR) systems in place to make sure that, if they are licensed, they will be able to carry out their sponsor duties
- the number of migrants they want to sponsor is appropriate to the size and nature of the organisation
- whether there is any evidence that suggests the potential sponsor would pose a threat to immigration control
- any areas of concern that Sponsor Operations have identified as requiring further inspection relating to the potential sponsor’s application, for example, verifying the original documents they failed to submit with their application
- if the potential sponsor has applied for Tier 2, that they will genuinely be able to offer employment that meets the Tier 2 requirements at the correct skill and pay level

Unless they are applying to add another tier to an existing licence, the sponsor will not yet be sponsoring migrants to work or study. This means you will not be able to use migrant information to assess the sponsor’s HR systems.

The sponsor may, however, be employing non-resident workers or have non-resident students. If and when appropriate, you may check that their current processes for verifying the status of these migrant students or workers are satisfactory.

They must be able to demonstrate they have systems in place or ready so they can meet their sponsorship duties.
Post-licence compliance visit

A post-licence compliance visit is to a sponsor who already holds a sponsor licence. You may be carrying out a visit because:

- Sponsor Operations have requested the visit in connection with:
  - intelligence about the organisation
  - the sponsor hitting a trigger point for the number of migrants they have sponsored
  - a sponsor licence renewal application
- another unit in the Home Office has requested the visit as part of a joint operation
- the sponsor is B-rated and is therefore subject to an action plan that now requires assessment
- the sponsor has requested the visit
- a probationary sponsor requires assessment because they have applied for Tier 4 sponsor status
- the Premium Service team have requested a visit

This list is not exhaustive but covers the main reasons you might need to carry out a post-licence compliance visit.

During a post-licence compliance visit, you must assess:

- the sponsor’s HR systems to ensure they are meeting their sponsor duties
- whether the sponsor or the sponsor’s activities pose a threat to immigration control
- whether the original number of CoS or CAS requested on the sponsor application or annual request is still justified
- whether migrants working or studying with the sponsor are complying with the conditions of their leave to stay in the UK
- whether the sponsor continues to have a trading presence
- whether sponsored Tier 2 or 5 migrants were recruited to fill genuine vacancies which meet the requirements of the relevant immigration route in respect of skill level and pay all aspects of the tasking referral

Related content

Contents
Announced and unannounced visits

This page tells you about announced and unannounced sponsor visits.

You can make an announced or unannounced visit, as the sponsor guidance makes clear to sponsors that they must allow Home Office staff access to any of their premises or sites under their control, on demand. Diplomatic or consular premises are exceptions to the requirement to provide access on demand.

If a sponsor refuses to allow you access on demand, the visit report should record that the sponsor was non-compliant, which may result in the sponsor licence being refused or revoked.

What you cannot do

You must not force entry to a sponsor’s or potential sponsor’s property, as you are not a warranted officer. You may politely remind the sponsor, or potential sponsor, that they agreed to provide access when they signed their application and that failure to do so would be seen as non-cooperation, which could lead to their application being refused or licence being revoked.

This gives the sponsor the opportunity to respond or to allow entry. You must clearly state any reason given by the sponsor for not allowing you entry in the visit report.

Unannounced visits

The compliance team must assess if the visit should be announced or unannounced. Visits should normally be unannounced, and, in particular, will be unannounced where:

- the request has specifically asked for the visit to be unannounced as it is intelligence led
- the compliance team consider an unannounced visit would achieve more accurate results - for example, for a sector based risk reason
- there are serious concerns from previous visits that make the compliance team consider it more appropriate to visit unannounced

This list is not exhaustive.

Advantages of unannounced visits

An unannounced visit can be useful because it allows you to:

- see the sponsor in their normal working environment rather than allowing the possibility that the sponsor may have altered the environment for the purpose of assessment
• verify a permanent trading presence
• (for Tier 4 sponsors) verify that students are attending their scheduled lessons

Disadvantages of unannounced visits

The drawbacks can be that:

• the right personnel may not be there to speak to, so you are unable to collect all the required information
• the organisation may be closed

If the key personnel are unavailable when an unannounced visit is taking place, you should nevertheless continue with the visit. If Sponsor Operations require further information that means you need to speak to key personnel on the licence, you may have to re-visit or contact the sponsor by telephone, email or post after the visit to request additional information.

If the key personnel are not available during the visit you must speak to a relevant person, for example:

• an owner
• a director
• anyone involved in the day-to-day running of the sponsor’s organisation

In all cases, you must seek proof of identity from the people you interview.

Announced visits

Announced visits allow certain benefits, for example, having the right person to speak to or having the full attention of the sponsor, since you were expected. There is a risk, however, that the sponsor may have altered the working environment in order to fit the sponsor duties they would not normally carry out - for example, by retrospectively completing a ‘signing-in' book to give the impression an ongoing record of attendance is maintained when in fact it is not, or by making sure a sponsored migrant is working as stated in their conditions of employment on that day when, ordinarily, they are engaged in lower skilled work.

You must advise the sponsor in advance what documents you need to see when going on an announced visit.

Deciding which visit is appropriate

To decide the most appropriate type of visit to carry out, you must consider

• the specific tasking request
• the information provided about the sponsor
• the type of request
• the sponsor’s rating

Announced visits: sponsor advises intention to surrender licence

If you announce a visit and the sponsor states they intend to surrender their licence, you must send the sponsor an email to confirm that:

• they have told you they wish to surrender their licence
• they must report this on the sponsor management system (SMS)
• they must send a hard copy of the surrender declaration form with an original signature within the next 10 working days to:

  Sponsor Casework Operations  
  UK Visas and Immigration  
  L4 Vulcan House Steel  
  Millsands  
  Sheffield  
  S3 8NS

Failure to comply with this requirement will result in a visit (announced or unannounced) which may see action taken against them. For Tier 2/5 sponsors, this may result in them being subject to a cooling off period before they can reapply if we suspend their licence, as set out in the Tier 2/5 sponsor guidance.

The visit may take place even if the sponsor states that they intend to surrender their licence, for example, to obtain information about whether sponsored migrants are being compliant with the conditions of their leave.

If the compliance officer obtains the hard copy of the surrender declaration form during the visit, they should forward it to the address above.

Related content
  Contents
Migrant issues and illegal working

This page tells you what to consider about migrants and illegal working.

You may come across cases where, during a visit or after a sponsor provides information, you find a potential illegal worker. If you do, you must report the information to the Intelligence team using the online referral form.

Employers must keep copies of passports and biometric residence permits for all sponsored migrants to comply with their record keeping duties as a sponsor.

They also have a duty to comply with the law by not employing migrants who do not have permission to do the job in question, for example, a Tier 4 student whose job is 30 hours a week or a visitor with no right to work.

If you find an illegal worker on a sponsor’s premises but the sponsor has carried out checks as recommended in the illegal working guidelines, the sponsor will be classed by the Home Office as having a ‘statutory excuse’. You should, however, still report your findings to any or all the following:

- Intelligence team
- Civil Penalties Compliance team
- Immigration Compliance and Enforcement (ICE)

Such checks for non-sponsored staff are not mandatory, and a sponsor is not in breach of their sponsor duties if they do not make these checks. They are also not operating illegally, or in breach of their sponsor duties, if they do not make follow-up checks for sponsored migrants.

On 16 May 2014, a series of changes were made concerning right to work checks. Students who have the right to work must now provide an employer with evidence of their academic term and vacation dates for the duration of their studies in the UK so they can take employment. This allows an employer to show and retain a statutory excuse against a civil penalty.

The need for annual follow-up right to work checks was replaced with checks at the point of expiry of leave, except where there:

- is no expiry date (for example with application registration cards (ARC))
- are no acceptable documents because there is an outstanding application or appeal with the Home Office

If the sponsor chooses to show a statutory excuse, they must make a follow-up check 6 months after the date of the initial check. To show a statutory excuse against a civil penalty, copies taken must be clear, and a record of the date the sponsor made the check must also be kept.
Safeguarding and other immigration issues

This page tells you about other immigration issues you must deal with if you find them during or after a visit.

You must be aware of the following situations which you may encounter. While it may be rare to come across one of these situations during a visit, you must be aware of the basic principles.

Human trafficking and modern slavery

Modern slavery includes human trafficking, slavery, servitude and forced and compulsory labour.

Since 1 April 2009, the UK has been bound by the Council of Europe Convention on action against trafficking in human beings. The purpose of the convention is to:

- prevent and combat trafficking of human beings
- identify and protect victims of trafficking and to safeguard their rights
- promote international cooperation against trafficking

If you suspect someone is a victim of human trafficking or modern slavery, you must refer them to the relevant competent authority.

Safeguarding children

The Home Office has a special duty of care towards safeguarding children as stipulated in Section 55 of the Borders, Citizenship and Immigration Act 2009.

Other government regulations

If you suspect a sponsor is in breach of other government regulations such as the National Minimum Wage or health and safety, you must email the Sponsor Investigations team who will share the information with the relevant agencies and government departments.

Related content

Contents
Allocation of visits

This page tells you about the process for allocating sponsor visits.

Allocation, Monitoring and Performance team (AMPT)

All requests for sponsor visits are received by AMPT through a number of email inboxes. They are triaged, prioritised and given to a research officer.

Prioritising visits

Pre-licence assessment visits are prioritised ahead of intelligence-led operations and are given an action target date in line with service level agreements. Other visits are given an action target date in line with the tasking where possible.

Research officers

Research officers allocate the visit to regional higher executive officer (HEO) team leaders based on their team’s pre-declared weekly capacity to undertake visits. They will:

- undertake background checks on the sponsor, the authorising officer and any level 1 users
- risk assess the visit

Regional Higher Executive Officer team leaders

Regional HEO team leaders notify AMPT of their compliance officer’s weekly capacity to undertake visits 3 weeks in advance. They are then allocated visits accordingly. Once received, visits are then allocated to compliance officers.

Arranging visits

Once a visit has been allocated to you, you are responsible for ensuring the visit is undertaken before or during the weekly slot identified by AMPT. This makes sure that reports can be sent within target dates. Failure to undertake the visit before or within the weekly slot will not reduce your allocation of visits in future weeks.

If the visit can’t be completed or is otherwise delayed, you must rearrange it during the same week or as soon afterwards as you can.

Related content

Contents
Health and safety

This page tells you what health and safety issues to consider when planning a visit.

You must read and take account of ‘Safe systems of work’ (appendix A of the sponsorship national visits risk assessment), which:

- outlines the minimum level of pre-visit checks needed
- tells you the considerations needed to see if a visit is suitable for one person to carry out on their own
- explains the need to carry out ‘dynamic risk assessments’

Health and safety concerns

You must familiarise yourself with the following health and safety guidelines issued by the Home Office:

- driving on official duty
- fire, bomb and emergency procedures
- first aid
- bullying and harassment
- homeworking
- lone working
- smoking

When you plan a visit, you must take into account all of the following safety measures:

- if you are concerned about health and safety, you must discuss this with your line manager before you go
- you must keep to local reporting procedures
- you must not start a visit without telephoning your duty office or line manager before you enter the premises you are visiting
- you must call your duty office or line manager after the visit but only when you have safely left the visit premises:
  o you should ensure you are aware of your duty office’s procedure for phoning in and out of a visit before the visit takes place
- if you are on a visit and have any health and safety concerns, you must stop the visit at the earliest possible opportunity, and make sure you contact your line manager or duty office immediately afterwards to discuss the details

Personal safety training

You must not carry out a sponsor visit until you have completed personal safety training (PST). You must also go through periodic refresher training to maintain
your PST certification. To find out more information on how to book a course, ask your line manager.

**Gifts and hospitality**

You must not accept gifts, hospitality or rewards that do not meet the Home Office’s procedures and processes. You must always be aware of the potential for either actual or perceived conflicts of interest which could lead to charges of bias or corruption. You must record any gifts or hospitality that is offered or received using the gifts form or the hospitality form.

**Related content**

[Contents]
Pre-visit guidelines

This section tells you the guidelines to be followed before you carry out a sponsor visit.

It is important that you gather the relevant information and are well prepared for the visit and there are various actions you must take. You must:

- ensure a risk assessment has been carried out following the processes outlined in both the risk assessment section and safe systems of work of the Sponsorship national visits risk assessment:
  - this includes a mandatory trading presence check and a check for any relevant current or past history on national operations database (NOD)
  - these 2 checks are in the Operating mandate making them compulsory for every visit
- ensure a mandatory check with both the local police in the relevant area and the local Immigration Compliance and Enforcement (ICE) team has been done to provide additional information to the risk assessment where any of the following apply:
  - where intelligence concerns exist and identify a specific risk or risks that could be mitigated
  - where history/suspicion of criminal activity is present
  - where a NOD check results in information of concern
  - where there is a history of non-compliance
  - where a visit is to an organisation in the agriculture sector
  - where a visit is to a private further education or English language college (but not international study centres run in partnership with universities)
  - where a visit occurs outside normal business hours (0900-1700)
  - where it is apparent that the business premises are of a domestic nature, unless authorised by a Sponsor Management Unit (SMU) manager
  - where the location is in a current area of concern
  - any visits to sectors for which a risk profile document exists
  - any visits to clothing retailers, manufacturers, distributors, warehouses that are not a common household name
- check the sponsor referral form where applicable to see if any specific information was requested
- make sure any pre-visit sponsor checks have been done
- consider any religious, belief or cultural factors which may be relevant to your visit

Related content
Contents
Pre-visit sponsor checks

This page tells you what sponsor checks must have been made before carrying out a licensing visit.

Before you receive the visit case on Jira, the Allocation, Monitoring & Performance Team will have researched:

- details of the key contact, authorising officer and representative
- the location of the premises
- the relevant licence history of the sponsor and any previous or current action plans
- Metastorm sponsor status:
- notes on Metastorm to verify there is no litigation action currently being carried out by or against the sponsor:
- Metastorm casework marker

You will need to:

- make sure you understand any extra information asked for on the visit referral form:
  - if not, contact the caseworker directly using the details on the referral form
- read any previous visit reports to think about any potential issues before the visit
- verify the certificate of sponsorship (CoS) or confirmation of acceptance for studies (CAS) assigned using the CoS or CAS checker:
  - if appropriate, request CoS or CAS data from the Performance Reporting and Analysis Unit (PRAU)
- check I-Search for any work permit holders at the organisation you are visiting

Premium customer service scheme

The Tier 2/5 premium customer service offers an enhanced level of support for Tier 2 or 5 sponsors.

Any Tier 2 or 5 licensed sponsors can apply to join the premium customer service providing they meet the criteria. They must:

- not have been issued with a civil penalty in the past 3 years, and must have paid in full any civil penalties before that
- have an A-rating in all tiers of their licence (and Tier 4 sponsor status where applicable)
- be fully able to satisfy a pre-licence assessment or a post-licence compliance check either before or during their application

The Tier 4 premium customer service offers an enhanced level of support for Tier 4 sponsors who do not have any compliance issues.
Migrant checks

This page tells you what migrant checks you need to make when you visit a sponsor.

Migrant file checks

You must check:

- at least 10% of sponsored migrant files
- a minimum 3 files where there are 3 or more migrants
- all files where there are fewer than 3 migrants
- a minimum 15 employee files where there are over 150 Tier 2 or 5 sponsored migrants (seek guidance from your line manager or referrer)
- between 10% to 20% of student files where there are between 151 to 299 Tier 4 migrants, with a 20% minimum where the initial 10% reveals a breach
- a minimum of 17% or 50 files where there are more than 300 Tier 4 sponsored migrants (seek guidance from your line manager or referrer)

Right to work checks

You must check right to work documentation for:

- 40% where there are 1 to 50 migrants
- a minimum of 3 migrants where there are 3 to 9 migrants
- all migrants where there are fewer than 3
- a minimum of 25% where there are 51 to 50 migrants
- 10% where there are over 150 migrants (seek guidance from your line manager or referrer)

You can apply discretion to the above minimums on a case by case basis provided your decision can be operationally justified. You must refer to your line manager if you are unsure.

Migrant interviews

As a guide, where there are fewer than 3 sponsored migrants, all must be interviewed.

Where there are 3 or more staff or students, you should normally interview a minimum of 3 migrants to corroborate sponsor accounts and check for migrant non-compliance.

Where your initial batch of 3 interviews have identified new breaches, or produced valuable evidence which may justify further compliance action, you must conduct more interviews. This should not ordinarily exceed 10 interviews, but may need to in exceptional circumstances, or where instructed by the Sponsor Investigations team.
Equally, discretion can be applied to the above minimums on a case by case basis provided the decision can be operationally justified. You must refer to your line manager if you are unsure.

**Giving early notice**

You may inform the sponsor in advance of the visit of any sponsored migrant or work permit holder you may wish to interview, if you have no concerns about doing so and you believe it will ensure the migrant is present to interview. If you want to interview a particular person, you must check their immigration status on the case information database (CID) or on the central reference system (CRS).

**CID checks**

CID records details of leave to remain and further leave to remain in the UK applications. Use CID to check:

- for more information on a sponsored migrant
- if their leave has been approved

**CRS checks**

CRS is for out of country entry clearance applications. You can use it to find out if a sponsored migrant’s visa has been granted. It provides:

- more detailed information on the migrant’s job description
- the details of any resident labour market test carried out

If you are carrying out a prearranged visit, you can ask the sponsor for specific documents before the visit. This can include any documents:

- requested on the visit referral
- required to show compliance, for example:
  - migrant worker payslips
  - company bank statements
  - copies of passports
  - documents used by a Tier 4 sponsor when assessing whether they wished to sponsor a student to whom they issued a CAS, such as evidence of English language ability

**Related content**

Contents
Risk assessments

This section tells you the checks you must make for before you carry out a sponsor pre-licence assessment visit.

Checks already made by sponsor operations

Sponsor Operations will have already made checks with the following before they ask for a pre-licence assessment visit:

Official – sensitive: start of section

The information on this page has been removed as it is restricted for internal Home Office use only.

Official – sensitive: end of section

Any adverse information would either:

- stop them from sending the referral
- be noted on the referral for you to consider before the visit

Checks already made by the Sponsor Investigations team (SIT)

The following checks are made as part of the tasking process:

- previous SIT activity
- premium customer service check
- national operating database (NOD), which must not be used if it is more than 4 weeks old
- referral notice or civil penalty check
- intelligence check, which must not be used if it is more than 4 weeks old
- relevant planning permission:
  - where SIT have access, they carry out a check - since this is not always possible, SIT may ask officers to carry out checks on visits
  - if SIT has already got this information, officers must still identify, get the evidence and verify
- stakeholder checks
- asylum data analysed

If it is a Tier 4 sponsor, the following additional checks are also made:

- genuine student rule (GSR) confirmation of acceptance for studies (CAS) data analysed
• courses checks (to make sure a Tier 4 sponsor is an approved education provider)
• educational oversight check
• Tier 4 sponsor status check
• the course, or courses, for which the Tier 4 sponsor has been issuing CAS
• whether the sponsor is managed by the Higher Education Assurance team (HEAT)

Officers must consider whether pre-visit checks are out of date. It is recommended, as a maximum, to only use them if they are less than 4 weeks old.

Important checks you must make before the visit

UK Visas and Immigration’s (UKVI’s) operating mandate defines the minimum mandatory checks which must be carried out across all UKVI business areas. It states that before carrying out any visit, you must ensure:

- the national operating database (NOD) has been checked to make sure there are no planned enforcement visits or intelligence recorded:
  - you must contact the local enforcement unit if any information or planned enforcement action is recorded, to confirm whether the visit can still go ahead
- a search for a web presence has been done

You must refer to the sponsorship national visits risk assessment Safe systems of work (appendix A) to find out if any further checks are needed.

Immigration Compliance and Enforcement (ICE) team

If the sponsorship national visits risk assessment Safe systems of work (appendix A) shows an ICE team check is needed, you must ensure:

- the details of the visit are recorded on the ICE and police check form
- it has been sent to the relevant ICE team

Additional research tools for officers to consider on a visit by visit basis

Additionally, there are optional checks for pre and post licence visit activities you may choose to make. These include checks on:

- integrity search (I-search) – searches an extensive range of Home Office caseworking systems which are not elsewhere routinely checked
- HM Revenue and Customs (HMRC) data – through various data sharing protocols potential information includes real time information – which show the pay information logged by ‘pay as you earn’ (PAYE) employers every time they make a payment to their employees
- **Companies House** information
- Intelligence Management System (IMS) (Mycroft or new versions)
- local authority websites for food and/ or catering businesses, to make sure they are a registered food business – if you are not sure, contact the local authority
- civil penalty database – currently accessed by contacting the Civil Penalty Compliance team, for example, to check if civil penalties have been issued or if there has been non-payment
- the **Charity Commission** website which lists current charities (including some limited information on accounts)

This list is not exhaustive. If you need more information on how to access the above, please speak to your line manager.

**Related content**
[Contents]
Religious, belief and cultural considerations

This page tells you what religious, belief and cultural considerations you must make before carrying out a sponsor visit.

You will carry out visits to a large range of different types of sponsors or potential sponsors. Some of these sponsors may have cultural, religious or belief requirements you will need to consider when you plan or carry out a visit.

These guidelines are not an exhaustive list. You are expected to consider the needs attached to each individual visit on its own merit.

You must consider:

- clothing when visiting a religious organisation:
  - female officers may need to make sure their upper body, legs or hair are covered
  - male officers may be required to cover their heads and hair in some religious organisations
- footwear when walking into some buildings, or areas of a building, as it may be culturally insensitive to wear shoes – you must:
  - ask if you are required to take off your shoes before you enter a building or a room
  - take the lead from the sponsor

This page does not attempt to list every possible scenario that you may come across. You must take a common-sense approach during any visit and, where you are unsure of the customs, ask the person you are visiting.

Unannounced visits

You are not recommended to make unannounced visits to religious premises because of the potential sensitive nature of the visit. To make an unannounced visit to religious premises, you must:

- seek a minimum of senior executive officer (SEO) approval
- be able to justify why the visit should be unannounced

Related content

Contents
Tier specific considerations

This section tells you some of the things to consider when carrying out a tier specific sponsor visit.

Tiers 2, 4 and 5

The tiers that you will assess are Tiers 2, 4 and 5:

- **Tiers 2 and 5** are employment routes:
  - Tier 2 relates to skilled employment
  - Tier 5 relates to temporary employment
- **Tier 4** is the student route

This section does not replace the sponsor guidance and you must still read, learn and take account of the sponsor requirements. This section tells you some of the areas of the sponsor guidance that you must consider when carrying out a sponsor visit.

Some of the sponsor requirements only apply to some sponsors and some tiers. It is important you still consider compliance with the sponsor duties.

Croatian workers and students

On 1 July 2013, the Republic of Croatia acceded to the European Union (EU). This means that Croatian nationals can move and reside freely in any EU member state. If they want to work in the UK, however, they must get an accession worker authorisation document before they start work, unless an exemption applies.

For more information, see [Croatian workers and students appendix G](#) of the sponsor guidance.

Resident labour market test (RLMT)

During a visit to a Tier 2 and/ or Tier 5 sponsor, you must find out whether or not the sponsor has attempted to find a resident worker before offering a position to a migrant worker. This involves advertising the job as set out in the sponsor guidance for employers.

To make sure the sponsor has followed the correct procedures, you must read the:

- relevant sections of [appendix J of the Immigration Rules](#) for the job role
- section in the [sponsor guidance](#) about carrying out an RLMT
- [keeping documents guidance in appendix D](#) of the sponsor guidance
The information in the codes of practice was updated on the 6 April 2014 with revised standard occupation classification (SOC) codes, which meant that some SOC codes information changed. You must refer to the sponsor guidance for employers and educators for full details.

The sponsor must not make an offer of employment to a migrant worker until they have completed the RLMT where this is required. If you find evidence the sponsor has made a job offer before the RLMT was completed, you must give the sponsor a ‘Not met’ under area 3 of the human resource systems on the visit report form.

The justification is that the sponsor could not have genuinely been trying to find a resident worker in the period between the offer of employment and the end of the RLMT period.

Exemptions

Before you carry out a visit, you must make yourself aware of the RLMT exemptions set out in the sponsor guidance. These exemptions include:

- specific creative sector jobs
- jobs in a shortage occupation in appendix K of the Immigration Rules, other than as a nurse, with the occupation code ‘2231 Nurses’, which are not exempt and do require a RLMT
- intra-company transfers
- supernumerary research positions
- charity workers
- overseas government employees
- where the migrant has, or was last granted, permission to stay in the UK under:
  - Tier 1 (Post-study work)
  - Tier 1 (Graduate Entrepreneur)
  - the International Graduate Scheme
  - the Fresh Talent Working in Scotland Scheme
  - the Science and Engineering Graduates Scheme
  - Tier 2 or Tier 5 as a doctor or dentist in speciality training applying for further leave to complete their training, including where they are returning from an out of programme experience
- where the migrant had previously been sponsored to work for a higher education institution and is returning to resume their post following a period of academic leave
- where the migrant has, or was last granted, permission to stay in the UK as a Tier 4 migrant, and they have:
  - received final results confirming they will be (or have been) awarded either a UK recognised bachelor or postgraduate degree or a UK postgraduate certificate in education
  - completed a minimum of 12 months’ study in the UK towards a UK PhD
- where the migrant will be sponsored as a doctor in speciality training where their salary, and the cost of their training is being met by the government of another country under an agreement with that country and the UK government
• where the gross annual salary package will be £159,600 or above, however, between:
  o 6 April 2015 and 5 April 2017, it must have been £155,300 or more
  o 6 April 2014 and 5 April 2015, it must have been £153,500 or more
  o 6 April 2013 and 5 April 2014, it must have been £152,100 or more
  o 6 April 2012 and 5 April 2013, it must have been £150,000 or more
• from 11 January 2017, where the migrant has, or was last granted, permission to stay in the UK as a Tier 4 migrant, and they have:
  o completed a course of study leading to (having sat all exams and presented all academic papers) either a UK recognised bachelor or postgraduate degree or a UK postgraduate certificate in education
  o completed a minimum of 12 months’ study in the UK towards a UK PhD

Related content
Contents
Tier 2 (General)

This page tells you what you must consider on a visit to a Tier 2 (General) sponsor.

Minimum skill level
Skill level exceptions
Minimum salary
Experience based rates of pay
Reductions in salary
Certificates of sponsorship: restricted and unrestricted
Genuine employment assessments

Minimum skill level

This sponsorship category is for skilled migrant workers only. During a sponsor visit, you must check that all migrants sponsored under Tier 2 are filling a job vacancy at graduate level unless there is a skill level exemption. Graduate level equates to Regulated Qualifications Framework (RQF) level 6. You must remember that this does not mean the migrant has to have a degree level education, but the work the migrant will do must be at graduate level.

Skill level exceptions

For those with leave granted before 6 April 2011, the minimum level was set at RQF level 3. A sponsor can still issue a certificate of sponsorship (CoS) for a migrant at this level provided:

- the migrant’s leave has been granted:
  - under a Tier 2 (General) before 6 April 2011
  - under a work permit
  - to a representative of overseas newspaper, news agency or broadcasting organisation
  - to a member of operational ground staff of an overseas airline
  - to a Jewish Agency employee
- the migrant has not been granted leave in any other route

From 6 April 2011, the skill level was raised to RQF level 4 (or the equivalent in Scotland), and from 14 June 2012, it was raised again to RQF level 6 (or the equivalent in Scotland).

It remains at RQF level 4 (or the equivalent in Scotland), however, for jobs in a shortage occupation or are a creative sector occupation as listed in the Tier 2 and 5 sponsor guidance.
Minimum salary

The sponsor must be paying the migrant at least the minimum appropriate rate for the job stated in appendix J of the Immigration Rules or £30,000 per annum (unless an exception listed in appendix A of the Immigration Rules applies), whichever is the higher.

The minimum salary level is for gross salary packages including any guaranteed bonuses and any allowances permitted, as detailed in the sponsor guidance for employers. It is important you recognise that bonuses must be ‘guaranteed’ to qualify. Allowances must also have been available to settled workers, except where Tier 2 (Intra-Company Transfer) migrants are paid extra to cover additional living costs. You can check this by asking to see the contract of employment or payslips.

The only exception to the minimum salary level criteria is if the migrant is applying for leave to remain and was first granted leave before 6 April 2011 under Tier 2 (General) or as a work permit holder. The migrant must not have been granted entry clearance in any other immigration category since for the exception to apply. In cases of this type, the sponsor must be paying the migrant the minimum salary for the job quoted in appendix J of the Immigration Rules that applied at the time (including any guaranteed bonuses and any permitted allowances).

Rates of pay

From 6 April 2013, a new policy was introduced on rates of pay for ‘new starters’ and ‘experienced staff’.

Where the migrant is applying under Tier 2 to stay in the UK beyond 3 years and one month, the ‘experienced rate’ must be paid.

The new entrant rate can be paid if the migrant:

- was recruited using a milkround (the process of recruiters attending graduate careers fairs and presentations located at various universities)
- is switching into Tier 2 (General) from Tier 1 (Graduate Entrepreneur), Tier 1 (Post-study Work) or Tier 4 and its predecessor routes
- is applying under the Tier 2 (Intra-Company Transfer) – graduate trainee sub category
- is under the age of 26 on the date of their application for Tier 2 leave

In all other cases, the ‘experienced rate’ must be paid.

As of 6 April 2014, sponsors under Tier 2 (General) and Tier 2 (Intra-Company Transfer) long-term staff sub category are able to assign a CoS for any period up to 5 years. In these instances, the ‘experienced salary rate’ must be paid from the moment the migrant starts work with the sponsor.
The sponsor may pay a migrant more than stated on the CoS, however, you must consider whether there could be a breach of the resident labour market test (RLMT) in these instances. Be aware that the sponsor guidance does not specify a limit in terms of an increase in salary. You would expect to see this if the migrant has:

- been employed for some time
- gained a promotion
- started in a new job which falls under the same standard occupation classification (SOC) code and does not require a change of employment application to be made

**Reductions in salary**

If the sponsor decides to reduce a migrant’s salary package to a lower rate than that stated on the CoS after they have started employment, the new rate must meet the current appropriate salary requirements which can be found in the [sponsor guidance for employers](#) and the appropriate rate of pay for the job stated in [appendix J of the Immigration Rules](#).

One exception to this rule is if the migrant is undertaking professional examinations to assess whether they meet UK standards before starting work. This includes where passing is a regulatory requirement, for example, where a doctor is taking the Professional and Linguistic Assessments Board (PLAB) test.

The provision to allow sponsors to make a temporary reduction to salary due to the economic climate was removed on 6 November 2014. Reductions beginning after that date are not acceptable.

The permission to reduce salary on that basis was time-limited to one year. Sponsors having these existing arrangements may have continued for any remaining time within the specified 12 months. After the 12 month period ended, the migrant must have been paid the level they were before the arrangement was in place.

If a reduction in salary is due to the migrant being absent from work without pay for one calendar month or more in total during any calendar year (1 January to 31 December), either as a single period of unpaid leave or an accumulation of shorter periods, the sponsor cannot continue to sponsor the migrant and must make a sponsor management system (SMS) report, unless the absence is due to:

- maternity leave
- paternity leave
- adoption leave
- long-term sick leave in excess of one continuous calendar month
- a doctor having been granted unpaid leave to assist in the Ebola crisis for a maximum of 6 months and this has been reported through SMS
- in the case of a Tier 2 (Intra-Company Transfer), the migrant being physically outside the UK
Certificates of sponsorship: restricted and unrestricted

Certificates of sponsorship (CoS) may be restricted or unrestricted. You must check that the right types of CoS have been issued during a sponsor visit.

Restricted certificates of sponsorship

A restricted CoS is required for:

- new hires earning under £159,600 per year coming to work in the UK from overseas
- the dependant of a migrant who was last granted leave under Tier 4, where that dependant is already in the UK and wishes to switch into Tier 2 (General) and will be paid less than £159,600

A restricted CoS is not required if the applicant is Croatian.

The sponsor must gain permission from the Home Office before assigning a restricted CoS. They must include details about the position being applied for, such as the job and salary, on the restricted CoS application.

Assigning an unrestricted CoS where a restricted one is required is a breach of the sponsor’s duties.

When you carry out a visit, if you come across a migrant who is not doing the job stated on the restricted CoS application or not being paid at least the appropriate rate as described in the sponsor guidance (this includes the minimum appropriate salary and the appropriate rate for the job as stated in appendix J of the Immigration Rules), you must mark this as a breach on the visit record.

There are some occasions where the sponsor will need to change some of the details they gave on a restricted CoS application. All of the information they give in a restricted CoS application is ‘locked down’ and cannot be amended on the restricted CoS itself. By adding a sponsor note to the restricted CoS, however, they can change any of the following:

- a salary decrease where:
  o the rate is still at or above the appropriate rate for the job
  o the figure would have scored the same number of points in the relevant table given in the sponsor guidance
  o the rate is within any salary range quoted in the associated job advertisement, or no resident labour market test (RLMT) was required
- a salary increase where the salary is still within the range quoted on the job advert, if an RLMT was required
- a change to start and end date

Where an RLMT was required, the sponsor must also have stated in the sponsor note the salary range that was advertised.
Unrestricted certificates of sponsorship

Sponsors do not need permission in advance to assign a CoS under Tier 2 (General), if the migrant is:

- a newly hired migrant coming from overseas who will be earning £159,600 or more a year
- already in the UK with valid leave under Tier 2 (General)
- already in the UK under another immigration category, with valid leave, and is entitled to switch into Tier 2 (General) - this excludes a dependent of a Tier 4 migrant earning less than £159,600 who would need a restricted CoS
- Croatian

When you carry out a visit, if you come across a migrant who is not doing the role stated on the unrestricted CoS or is not being paid at least the appropriate rate as described in the sponsor guidance (this includes the minimum appropriate salary and the appropriate rate for the job as stated in appendix J of the Immigration Rules), you must mark this as a breach on the visit record.

You must also check the sponsor has not assigned an unrestricted CoS to a migrant who should have had a restricted one. To do so is a breach of the terms and conditions of their licence and you must mark them down under area 5 of the 'human resource systems' on the visit report for incorrectly issuing a CoS and as a risk to immigration control.

Where a restricted CoS has been granted, it cannot be used for a migrant who would be classed as unrestricted. Instead, the sponsor must return it by emailing Tier 2 limits.

Using a restricted CoS to fill any vacancy other than the one set out in the application for that CoS is a breach of the sponsor guidance and you must mark a sponsor down under area 5 of the human resource systems in these cases.

All applications related to restricted CoS are held on the 'correspondence tab' on Metastorm. The decision outcome of the application is contained in the decision letter.

You must be familiar with, and take account of, the sections of the sponsor guidance for employers that explain in more detail the difference between restricted and unrestricted CoS.

Related content

Contents
Genuine employment assessments

This page tells you about assessing Tier 2 (General) genuine employment.

From April 2014, prospective and existing sponsors must satisfy the Tier 2 (General) genuine employment criteria to be granted or retain their sponsor licence.

Process

Each compliance visit which requires a credibility assessment will follow the process below:

1) The caseworker will produce the visit case and process it in the normal way, highlighting in the ‘additional notes’ field the credibility concerns.
2) The caseworker will use the following numbering in the visit priority box:
   • 1 - credibility
   • 2 - normal
   • 3 – urgent
3) The case will be given to a trained interview officer.
4) The lead compliance officer will ask their second trained interview officer to go with them and help on the visit.
5) The lead officer will prepare for, and carry out, the visit.
6) The lead officer will write the report on the standard report template.
7) The lead officer will save the report in the shared folder ‘Sponsor Specific Files’

Related content

Contents
Tier 2 (Minister of Religion)

This page tells you what to consider when carrying out a sponsor visit for Tier 2 (Minister of Religion).

This category can be complex. The large numbers of religions and belief systems that exist in the UK have varying titles and names for the organisation’s workers. For the purpose of immigration control, the Home Office collectively groups individuals that form part of a particular role or job description as ministers of religion. It is important you consult the sponsor guidance for employers when assessing the criteria.

The role must not be mainly clerical or administrative (unless it is a senior post, for example, the financial controller) but you must not make assumptions about a sponsored migrant under this category based on a job title.

The migrant:

- must not undertake any other employment unless it meets the rules for supplementary employment
- must be qualified to do the job in question
- must only work at locations given on the certificate of sponsorship, or reported to us by the sponsor through the sponsor management system (SMS)
- must not displace or deny the opportunity to a suitably qualified settled worker
- can be a novice under training but cannot be a student working towards a qualification

Resident labour market test (RLMT)

Usually, the role must be advertised for 28 days in a national form of media appropriate to the organisation’s religion, denomination, or in line with the requirements within the sponsor guidance for employers but there are exceptions to the RLMT.

Where the sponsor holds national records on all qualified individuals and can show, using the records, no settled workers were available for the role in question, the RLMT is also met.

Exceptions to the RLMT

An RLMT is not required where the:

- migrant’s role is supernumerary
- migrant lives mainly within a religious order and is a member of that order

When identifying if a role is supernumerary, you must consider:
• how vital the role is to the sponsor’s requirements, for example, could key religious services and rites continue without this role
• who would do the job if the migrant was not employed, for example, if evidence suggests that the role would simply not exist, the role is likely to be supernumerary

When identifying whether a role involves living within and being a member of a religious order you should consider:

• evidence supporting a clear lineage between the order and a larger bona fide religious group
• to what extent the group are ‘set apart from society’
• the details of the ‘specific religious devotion’ they live in accordance with
• how much of their time is spent outside the group
• how much of their work is unconnected to their membership of the religious order

Preaching and pastoral work

The Tier 2 (Minister of Religion) category includes anyone undertaking preaching and pastoral work. Pastoral duties may include:

• leading worship regularly and on special occasions
• providing religious education for children and adults by preaching or teaching
• leading marriages, funerals and other special services
• offering counselling and welfare support to members of the congregation
• recruiting, training and coordinating the work of any local volunteers and lay preachers

You must consider the role of any individual sponsored migrant under this category. For varying religions, the list above may have stronger elements of one area of pastoral work compared with another. A sponsored migrant under this category may not be doing everything on the list above. Migrants under this category may also be doing more than the duties listed above. You cannot penalise a migrant or a sponsor for this but the role must not be mainly an administrative one, unless the migrant is filling a senior post.

Missionaries

This category also includes missionaries or members of religious orders.

Missionary work can include:

• translating religious texts
• preaching and teaching
• filling a senior post within the organisation, for example, in charge of accounts, personnel management or information technology (IT)
• coordinating the work of missionaries

Missionary work cannot include:

• teaching in a faith run school
• general administrative or clerical work, unless the migrant is in a senior role

**Tier 2 (Minister of Religion) sponsor visits**

During a visit you must:

• check the roles of sponsored migrants under this category
• check pay and conditions are at least equal to those of a settled worker in the same role, and comply with National Minimum Wage regulations where they apply
• make sure the organisation continues to have registered charity status
• make sure the organisation is meeting their sponsor duties under this category
• ask questions about the roles of the type of migrants the organisation is intending to sponsor, including how the sponsor supports and accommodates them

**Related content**

[Contents](#)

Religious workers sponsored under Tier 5 (Temporary Workers)
Tier 2 (Sportsperson)

This page tells you what to consider when carrying out a sponsor visit for Tier 2 (Sportsperson).

This category is for elite sportspeople and coaches. They must be internationally established at the highest level and their employment must make a significant contribution to the development of their sport at the highest level in the UK.

Coaches also must be appropriately qualified.

Governing body endorsement

There are 2 kinds of sports governing body endorsements:

- one for the sponsoring club or team
- one for the sportsperson or coach

Endorsements are given by Home Office approved sport governing bodies. The approved sports governing bodies are included in appendix M of the Immigration Rules.

Sports players moving on loan

Loan arrangements are acceptable under the points-based system provided the governing body allows them and the player in question will return to the original sponsor at the end of the loan period. You must consider:

- whether the sponsor has notified the Home Office of any player on loan, using the sponsor management system (SMS)
- whether a player on loan is being effectively monitored, as the original sponsor is still responsible for the player
- whether the player has permanently transferred, if they have:
  - the sponsor must have informed the Home Office
  - the new club will need to have a licence and have assigned a new certificate of sponsorship (CoS)
- any player who is a non-European Economic Area (EEA) national on loan from an overseas club must be sponsored and must have a governing body endorsement, even if they are here temporarily

Tier 2 (Sportsperson) sponsor visits

When visiting a Tier 2 (Sportsperson) sponsor you must:

- verify the sport governing body endorsement - the sponsor and each sponsored migrant must have an endorsement from the appropriate governing body
• make sure the CoS was not assigned for longer than the validity of the governing body endorsement - if the sponsor has issued a CoS for longer than the period of endorsement, they have breached their sponsor duties

Related content

Contents
Tier 2 (Intra-Company Transfer)

This page tells you what to consider when carrying out a sponsor visit for Tier 2 (Intra-Company Transfer (ICT)).

This category is for migrants working overseas for a multinational organisation, who are transferred to the UK to a linked organisation under one of the following 4 sub categories:

- short-term staff – for established employees transferring to the UK for up to 12 months to fill a post which cannot be filled by a settled worker
- long-term staff – as above, but for a longer period
- graduate trainee – those coming to the UK as part of a structured graduate training programme
- skills transfer - allowing migrants working overseas to transfer knowledge to the UK company or to learn skills to take back to the overseas branch

Please note, however, the short-term staff and skills transfer sub categories have now closed (see below for more details).

Migrants sponsored under Tier 2 (ICT) can only work in a skilled occupation at, or above, regulated qualifications framework (RQF) level 6 (or the equivalent in Scotland). There are, however, exceptions for existing employees. For details, see skill level exemptions under Tier 2 (General).

The table below summarises the key information for each sub category:

<table>
<thead>
<tr>
<th>Category</th>
<th>Minimum time with organisation</th>
<th>Minimum salary</th>
<th>Leave</th>
<th>Additional comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Long-term staff</td>
<td>12 months immediately before transfer (see exceptions below)</td>
<td>£41,500 each year or the minimum appropriate rate in appendix J of the Immigration Rules, whichever is higher (see exceptions below)</td>
<td>12 to 60 months</td>
<td>Staff earning £120,000 can extend to a maximum of 9 years</td>
</tr>
<tr>
<td>Category</td>
<td>Minimum time with organisation</td>
<td>Minimum salary</td>
<td>Leave</td>
<td>Additional comments</td>
</tr>
<tr>
<td>------------------------</td>
<td>--------------------------------</td>
<td>---------------------------------------------</td>
<td>------------------------------</td>
<td>-------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Short-term staff</td>
<td>12 months immediately before transfer (see exceptions below)</td>
<td>£30,000 each year or the minimum appropriate rate in appendix J of the Immigration Rules, whichever is higher (see exceptions below)</td>
<td>Maximum 12 months</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Graduate trainee</td>
<td>3 months</td>
<td>£23,000 each year or the minimum appropriate rate in appendix J of the Immigration Rules, whichever is higher</td>
<td>Maximum 12 months</td>
<td>Must incorporate clearly defined progression towards a managerial or specialist role. Sponsors are limited to transferring a maximum of 20 each financial year under this category</td>
</tr>
<tr>
<td>Skills transfer</td>
<td>None</td>
<td>£24,800 each year or the minimum appropriate rate in appendix J of the Immigration Rules, whichever is higher</td>
<td>Maximum 6 months</td>
<td>Must be over and above the sponsor’s normal staffing requirements and must not be used to fill UK vacancies or to displace resident workers (that is, if it were not for the need for the skills transfer, the role would not exist)</td>
</tr>
</tbody>
</table>

Short-term staff and long-term staff must have been working for the sponsor’s organisation for at least 12 months immediately before the transfer, unless the migrant was:
• absent due to a period of maternity, paternity or adoption leave
• absent due to a period of long term sick that lasted for one month or longer
• in the UK under the graduate trainee or skills transfer sub categories

If any of these apply, the organisation must have employed them for at least 12 months out of the last 24.

From 6 April 2017, long-term staff earning £73,900 per year or more do not need to have a minimum of 12 months’ experience of working for the sponsor.

If short or long term staff were previously granted leave in the UK under the rules before 6 April 2011, the sponsor must be paying them at least the appropriate rate stated in appendix J of the Immigration Rules.

From the 6 April 2014, sponsors under Tier 2 (General) and Tier 2 (ICT) long-term staff can assign certificates of sponsorship (CoS) for any period up to 5 years. In such instances, the ‘experienced rate’ in the code of practice must be paid from the moment the migrant is sponsored.

The Tier 2 (ICT) long-term staff sub-category must also be used for any migrant who needs to extend their stay in the UK if their previous leave was granted:

• in the established staff sub-category, under the rules in place before 6 April 2011
• as an ICT work permit holder

Any migrant applying under the long-term staff sub-category in these circumstances will not have to meet the £41,500 minimum salary level, but they must continue to work at or above RQF level 3 (or the equivalent in Scotland). They will not be limited to a maximum of 60 calendar months.

On 24 November 2016:

• the skills transfer sub category was closed
• the minimum salary thresholds for the Tier 2 (ICT) - short-term staff and graduate trainee sub-categories changed from £24,800
• the number of graduate trainees allowed in a financial year increased from 5 to 20

On 6 April 2017:

• the short-term staff sub-category was closed
• the amount staff needed to earn to be allowed to extend their stay in the UK beyond 5 years was reduced from £155,300 to £120,00
Tier 2 (Intra-Company Transfer) sponsor visits

During a Tier 2 (ICT) sponsor visit, you must consider whether:

- sponsored migrants have been employed by the organisation for the correct length of time before coming to the UK
- CoS have been assigned for the correct length of time for the type of ICT
- salaries are compliant with the rules for the type of ICT
- any graduate trainees are working towards a managerial or specialist role
- no more than 20 graduate trainees are transferred to the UK during any financial year
- any migrants in the skills transfer category are over and above the sponsor's normal staffing requirements and are not being used to fill UK vacancies

Related content

Contents
Tier 5 (Temporary Worker)

This page tells you what to consider when carrying out a sponsor visit for Tier 5 categories.

Creative and sporting
Charity workers
Religious workers
Government authorised exchange
International agreement

Tier 5 is a temporary immigration category for migrants coming into the UK to work. There are 5 categories:

- creative and sporting
- charity workers
- religious workers
- government authorised exchange
- international agreement

This guidance does not include any specific details about the Tier 5 (Youth Mobility Scheme), as they are not sponsored in the same way as migrants in Tier 5 (Temporary Worker).

Creative and sporting

Migrants entering the UK under the Tier 5 creative and sporting category must be:

- sportspeople (and their entourage where appropriate) and coaches coming to the UK for a maximum of 12 months
- entertainers or creative artists coming for a maximum period of 12 months, with the option to extend their stay in the UK up to a maximum 24 months

During a visit to a sponsor using the creative or sporting category of Tier 5, you must make sure that they have met all the requirements of the relevant code of practice in appendix J of the Immigration Rules, where applicable.

Non-visa nationals

Non-visa nationals coming to the UK under this category can enter the UK without applying for entry clearance before they come if they are being sponsored for less than 3 months. They cannot extend their stay in country.

You must consider this when verifying the documents the sponsor has on record for the migrant. You would not expect to see a visa issued overseas.
A list of countries whose nationals qualify as non-visa nationals can be found in
appendix V of the Immigration Rules.

Creative

There are codes of practice categories in appendix J of the Immigration Rules for:

- ballet
- dancers (in dance forms other than ballet)
- performers in theatre or opera
- performers in film and television
- workers in film and television

You must be familiar with these codes of practice before going on a visit to a creative sector sponsor. If the vacancy is not included in a code of practice, the sponsor must show they could not fill the vacancy with a resident worker. This could be through:

- evidence of recruitment activity
- written support from an appropriate body, or sector labour market information
- evidence the migrant is internationally famous in their field
- evidence the migrant is part of a unit company
- evidence the migrant has a certain attribute or physical appearance
- evidence the migrant is required for continuity

This list is not exhaustive.

The period covered on a Tier 5 certificate of sponsorship (CoS) for a creative sector worker can include any rehearsal periods required. The sponsor may also assign a group certificate of sponsorship for several artists that form part of the same group, paying just one fee. The sponsor will still need to assign an individual CoS for each migrant, and must either:

- indicate the migrant’s share of the group fee
- enter £0.01 where the share of the group fee is not known

If the artist has several engagements

The migrant can have one or more sponsors covering a period of engagements.

For example:

- one sponsor can be responsible for the migrant for the period of their stay in the UK for each venue or engagement (with just one CoS being issued)
- the migrant can have several sponsors over the period of their stay where, each sponsor assigns a CoS for the relevant period, but the dates on these CoS must not overlap
There must not be more than 14 days between each engagement during any period of sponsorship. If there is, the migrant must leave the UK and return for the following engagements.

During a visit, you must check if the sponsor has assigned a CoS for a migrant with a gap of more than 14 days between engagements. If so, they will be in breach of their sponsor duties and you should record this in the visit report.

### Sporting

This category is for sportspeople (and their entourage where appropriate) and coaches:

- who are internationally established at the highest level in their sport
- whose employment will make a significant contribution to the development of the sport in the UK

They must meet the following rules:

- the sponsor must have a governing body endorsement from the appropriate Home Office-approved sports governing body
- the sponsor cannot be an agent
- the migrant must have a personal endorsement from the appropriate Home Office-approved sports governing body before being assigned a CoS

Approved sports governing bodies are in appendix M of the Immigration Rules.

See also: Tier 2 (Sportsperson).

### Permitted paid engagements

On 6 April 2012, a visitor route was created which allows migrants in the creative and sporting sectors to come to the UK for less than one month to undertake certain permitted paid engagements, see Visitors undertaking permitted paid engagements.

You must remember that visitor categories are not subject to the rules of sponsorship. You must not mark a sponsor as not complying with their sponsor duties when considering the sponsor’s dealings with a visitor.

If you encounter a visitor in breach of their conditions on a compliance visit, you must refer this to intelligence using the online referral form. If this involves illegal working, you must also make a Civil Penalties Compliance team referral.

### Charity worker

During a sponsor visit you must check that Tier 5 charity workers:
• are not being paid for the work they are doing, it must only be voluntary, but they can be paid reasonable, permitted expenses
• only do fieldwork that is directly related to the purpose of the sponsoring organisation (see below)

For more information on permitted expenses, see section 44 of the National Minimum Wage Act 1998.

Fieldwork

This is defined as activities which would not normally be offered at a waged or salaried rate and which contribute directly to the achievement or advancement of the sponsor’s charitable purpose. It does not include work ancillary to the sponsor’s charitable purpose including, for example, routine back office administrative roles, retail or other sales roles, fund-raising roles and roles involved in the maintenance of the sponsor’s offices and other assets.

Interviewing

It is particularly important that when you interview the sponsor and any sponsored migrants under this category you check:

• any payments made to migrant
• any duties that the migrant has

Religious worker

The migrants coming into the UK as Tier 5 religious workers can be:

• religious workers where duties may include preaching, pastoral and non-pastoral work
• visiting religious workers employed in the same role overseas, although the exact details of their duties in the UK may differ, the employment should be ongoing and time spent in the UK consistent with a break from their main employment overseas
• a member of a religious order such as an order of monks or nuns, or a similar religious community involving a permanent commitment

You must be familiar with the types of genuine religious institutions listed in the sponsorship guidance for employers and educators that qualify for a licence under this category.

The sponsor must support the migrant, for example, by providing funds and/or accommodation to help maintain them while they are in the UK.

The migrant will have been given a maximum of 24 months leave.
During a sponsor visit you must consider the conditions relating to the migrant, their role and the resident labour market test for this sub category, which are identical to Tier 2 (Minister of Religion).

**Government authorised exchange**

The Tier 5 (Temporary Worker): government authorised exchange (GAE) category is for migrants coming into the UK through an approved scheme, where the sponsor is an overarching body that has the support of a UK government department or one of its executive agencies.

The exceptions are that a sponsor can be a:

- higher education institution recruiting a sponsored researcher
- higher education institution recruiting a visiting academic who will:
  - give lectures
  - act as an examiner
  - work on a supernumerary research project
- government department or a government department executive agency

The migrant:

- can only come into the UK for up to the maximum length of time permitted under the scheme
- cannot be filling a job vacancy or providing unskilled labour

During a visit, consider whether the work they do is:

- over and above the normal staffing requirements of the host organisation - the migrant must not be filling a UK vacancy
- at minimum skill level 3 or above on the regulated qualification framework (or its Scottish equivalent) unless they are coming to the UK as part of a European Union Lifelong Learning Programme

If not, you should record this in the visit report.

**Categories of approved government authorised exchange schemes**

All GAE schemes fall under one of 4 categories:

- work experience programmes (migrants can participate for a maximum of 12 months)
- research programmes (migrants can participate for a maximum of 24 months)
- training programmes (migrants can participate for a maximum of 24 months)
- overseas government language programmes – these schemes are professional language training programmes that are fully or partially paid for by an overseas
government or an organisation affiliated to an overseas government for up to 24 months

Permitted paid engagements

On 6 April 2012, a visitor route was created which allows visiting academics to come to the UK for less than one month to undertake certain permitted paid engagements.

You must remember that visitor categories are not subject to the rules on sponsorship. You must not mark a sponsor as not complying with their sponsor duties when considering the sponsor’s dealings with a visitor.

International agreement

The Tier 5 international agreement category is for migrants who are coming to the UK under contract to provide a service that is covered under international law, which includes:

- the general agreement on trade in services (GATS)
- similar agreements between the UK or EU and another country or countries
- employees of overseas governments and international organisations
- private servants in diplomatic households or households of employees of international organisations

Before going on a visit under this category, you must familiarise yourself with the relevant sections of the sponsorship: guidance for employers and educators.

You must remember visits to organisations under this category may be politically and/or culturally sensitive. If you wish to take action against a sponsor in this category, you must get authorisation at a minimum of senior executive officer (SEO) level, who must countersign the visit report.

Private servants in diplomatic households or households of employees of international organisations

On 6 April 2012, some important changes were made for domestic workers in this category that mean the migrant must:

- have a contract of employment with the diplomat or employee of an international organisation
- not take up any employment with the employer other than for which the CoS was assigned
- comply with the conditions of their permission to stay and leave the UK when it expires
- be employed as a private servant in the household of:
o a named member of staff of a diplomatic or consular mission who has diplomatic privileges and immunity as defined by the Vienna conventions on diplomatic or consular relations
o a named official employed by an international organisation who enjoys certain privileges and immunities under UK or international law

• not be related to the employer or their spouse, either by blood or by marriage

You must consider these conditions when carrying out a visit to a sponsor under this sub-category. It is also important to note that you must be aware of your responsibilities in the prevention of human trafficking if interviewing migrants and their employers in this sub-category.

Related content

Contents
Tier 4 sponsors

This page tells you what to consider when carrying out a sponsor visit to, or ‘basic compliance assessment’ of, a Tier 4 sponsor.

Tier 4 is the education category, and there are 2 sub-categories:

- Tier 4 (General)
- Tier 4 (Child)

For educational institutions to provide full-time courses to non-European Economic Area (EEA) nationals, they must hold a Tier 4 licence. Sponsors are given probationary Tier 4 sponsor status when first granted a licence. A probationary sponsor must demonstrate that it can fulfil its sponsorship duties, will continue to do so, and can be trusted to hold Tier 4 sponsor status. When a probationary sponsor applies for, and passes, its first annual basic compliance assessment, it will be given Tier 4 sponsor status.

Probationary Tier 4 sponsors

Probationary sponsors cannot:

- offer courses at Regulated Qualifications Framework (RQF) level 3 (and equivalent), unless they are a Tier 4 (Child) probationary sponsor and wish to offer courses to Tier 4 (Child) students at this level
- offer courses below degree level that include work placements
- allow a student to re-sit an examination more than twice
- allow a student to start studying until UKVI has granted their application for leave to remain to study the course

Basic compliance assessment (BCA)

A basic compliance assessment is a check carried out by the sponsor operations team every 12 months to see if the sponsor meets the minimum requirements of Tier 4. The sponsor must apply for the BCA. The sponsor operations team will consider:

- for probationary sponsors, whether the minimum qualifying period of probation (12 months) has been met
- visa refusal rate – must be less than 10%
- enrolment rate – must be at least 90%
- course completion rate – must be at least 85%
- student monitoring
- attendance
Sponsor operations request information from the sponsor in relation to their student attendance figures, which also monitors student drop-out rates. The sponsor has 21 days to provide the information.

Where checks identify concerns or there is intelligence relating to the sponsor, a compliance visit may be requested.

**Tier 4 sponsor visits**

**Before the visit**

Before going on a visit you must read the relevant sections of the [sponsorship: guidance for employers and educators](#) paying particular attention to the:

- types of courses that probationary and full Tier 4 sponsors can and cannot offer
- restrictions on probationary sponsors
- rules about reporting, including the option for Tier 4 status sponsors to report sponsored migrant withdrawals at 2 'checkpoints' during the year rather than each individual withdrawal:
  - checkpoints can only be used to report attendance and not for anything else
  - the sponsor duties require a sponsor to report, for example, non-enrolment
- English language requirement for Tier 4 including exceptions for:
  - Tier 4 (Child) students
  - those switching from Tier 4 (Child) to Tier 4 (General)
  - gifted students (for more information, see the [sponsor guidance for educators](#))
  - those who have recently completed a course of study equivalent to a UK degree in a majority English speaking country
  - nationals from a majority English speaking country (a full list is provided in the [sponsor guidance for educators](#))

This is not an exhaustive list. To test English language ability, all sponsors must use the testing systems published in approved secure English language test and test centres guidance with the exception of higher education institutions, which may choose their own method of assessment.

**During the visit**

You must make sure that, if the sponsor has a Tier 2 or Tier 5 licence as well as a Tier 4 licence, the sponsor understands which licence you are assessing. You must not automatically expect personnel in an educational establishment to be able to discuss Tier 2 issues if their responsibility is to administer Tier 4. If your visit involves assessing both an employment and an education category, you may need to speak to more than one member of staff to get the answers to your questions.

During the visit you must investigate:
• whether the sponsor has recruitment practices to make sure that only genuine students are assigned a confirmation of acceptance for studies (CAS)
• whether the sponsor has suitably tested that students have the required level of English language capability - Common European Framework of Reference for Languages (CEFR) level B2 and above for Regulated Qualifications Framework (RQF) level 6 courses ((SCQF level 9 in Scotland) or CEFR level B1 for courses below RQF level 6
• whether they have clearly stated when they assigned the CAS how they have assessed the English language level
• whether the sponsor is compliant with the reporting requirement in the guidance for sponsors, including notification of adding a site, exceptional arrangement or partnership to its licence
• whether the sponsor has a system in place to monitor students throughout the year
• whether they have a reporting mechanism for student non-attendance that allows them to flag up 10 consecutive missed expected contacts or clearly identifies reporting checkpoints within the year
• the dates of any reporting checkpoints, when this option used
• whether any sponsored students have 10 or more consecutive unauthorised missed expected contacts and the sponsor has withdrawn sponsorship as a result
• if they did not report any missed contacts which happened before the last checkpoint, and record the reasons given for any such lack of reporting

Genuine students

The sponsor must have recruitment practices in place which ensure that only genuine students are accepted and assigned a certificate.

Flexible approach to reporting student non-attendance

All Tier 4 sponsors must report to the Home Office any student who fails to attend 10 expected consecutive contacts with the sponsor without authorisation where they have withdrawn sponsorship as a result.

Sponsors with Tier 4 sponsor status may set 2 checkpoints during the reporting year to report any withdrawals.

When assessing a Tier 4 sponsor institution, you must consider whether there is a genuine system to monitor and report. You must assess the sponsor has a system in place to:

• monitor students throughout the year, even if they have chosen to adopt the checkpoint approach to reporting
• report student non-attendance that:
  o allows them to identify 10 consecutive missed expected contacts
  o or clearly identifies reporting checkpoints within the year
Sponsors do not need to make a report to the Home Office if they have:

- given permission for the student to miss a contact
- decided not to withdraw sponsorship even though a student has missed 10 consecutive contacts - this should be a very rare occurrence and evidence of the reasons for the decision must be retained by the sponsor

How to assess checkpoint reporting

If the sponsor has chosen to report student non-attendance at checkpoints, you must first find out when those checkpoints are. If the sponsor has no clear checkpoint dates, check previous reporting activity to find out the checkpoint dates, for example, the sponsor may only ever have reported a group of students once during the year. This could be shown as a checkpoint, in the absence of concrete dates from the sponsor. If the sponsor is unable to state the checkpoint dates, you must consider whether they have adequate student monitoring and reporting systems in place.

When assessing attendance, you must select a sample of students to test against, and you must:

- provide the organisation with a list of the students you wish to sample
- establish if any sponsored students have 10 or more consecutive unauthorised missed expected contacts and the sponsor has withdrawn sponsorship as a result
- find out if the 10 consecutive instances of missed expected contact occurred before or after the last reporting checkpoint

If the 10 consecutive missed expected contacts occurred after the last reporting checkpoint, you must:

- find out from the sponsor when the next reporting checkpoints will be
- take away a list of all students that are due to be reported at the next checkpoint
- make checks at a later stage to see if the sponsor has reported the students in line with their sponsor duties

If the sponsor fails to report at the next checkpoint, you must arrange to either re-visit the sponsor or contact the sponsor to discuss the reasons why they have failed to report. If no valid reason is provided in line with the sponsor guidance, you must take action against the sponsor using the usual reporting mechanisms.

If the 10 consecutive instances of missed expected contact were before the last reporting checkpoint, you must:

- query with the sponsor why they did not report this in line with their sponsor duties
- consider if their explanation is credible or not, in line with the sponsor guidance
You must mark the sponsor down in the report if they cannot provide a reasonable explanation for why the sponsored student was not reported, in line with the sponsor guidance.

The sponsor cannot use the checkpoints for reporting anything other than attendance monitoring. All other reporting must be performed in accordance with the sponsor guidance.

**B-rated sponsors**

Tier 4 sponsors cannot be B-rated.

**Related content**

[Contents](#)
Tier 4 (General)

This page tells you what to consider when carrying out a sponsor visit for Tier 4 (General).

This category is for all students coming to the UK for post-16 education. Below is a list of important things you must consider when you carry out a Tier 4 (General) visit:

- the institution will, when first granted a Tier 4 licence as a probationary sponsor, be given a confirmation of acceptance for studies (CAS) limit of up to a maximum of 50% of their total student body, calculated in line with their latest inspection report:
  - if there is evidence that the organisation has become smaller since they applied for their licence, you must state this in your visit report, as this could alter their CAS allocation

- the institution cannot offer distance learning to sponsored migrants

- any work placement undertaken as part of a course:
  - cannot be more than 33% of the course (see exceptions below)
  - must be assessed

- a Tier 4 probationary sponsor cannot offer a course of study below degree level with a work placement

- all study must take place either:
  - on the sponsor’s premises
  - at a temporary location authorised by the organisation

- the students’ work placement location is not a temporary authorised location, as described in the sponsor guidance for educators. Any study they do there cannot contribute to the 15 hours of classroom study we require for courses below RQF level 6.

The only exceptions to the rule that work placements cannot be more than 33% of the course are:

- where the course is at degree level or above and is studied at a higher education institution:
  - in these circumstances the work placement must not be more than 50% of the total length of the course

- where the course forms part of a study abroad programme:
  - in these circumstances the work placement must not be more than 50% of the total length of the course

- where the student is sponsored under Tier 4 (Child) and is aged 16 or above, the work placement must not be more than 50% of the total length of the course

- where there is a UK statutory requirement for the course to contain a specific period of work placement which exceeds this limit:
  - the work placement must also be an integral and assessed part of the course
Sponsors remain responsible for a student who is on a work placement and must still monitor the student.

**Minimum level of study**

The sponsor can only assign a CAS with a minimum:

- of Regulated Qualification Framework (RQF) level 3 or above (or its equivalent in Scotland)
- level of B2 of the common European framework of reference for languages (CEFR) for English language students

There are some exceptions to the above including where a higher education institution has provided evidence the student is ‘gifted’. You must read the relevant parts of the [sponsor guidance for educators](#).

**The course**

All courses for Tier 4 (general) students must involve full-time study, or part-time in some limited circumstances, which either:

- leads to a UK recognised qualification at level 6 or above on the RQF or its equivalents
- is an overseas higher education course which is recognised as being equivalent to a UK higher education qualification at an overseas higher education institute
- is a course of study below UK degree level (RQF level 6) that involves a minimum of 15 hours of classroom-based, daytime study each week

**Part-time course**

A part-time course can only be offered by a HEI and must be a part-time course of study above degree level that leads to a UK recognised qualification at RQF level 7 or its equivalents.

**Pre-sessional courses**

A sponsor can only issue a CAS to cover a pre-sessional course and a full-time course of study if they are:

- a higher educational institution making an unconditional offer for a degree course, and:
  - the pre-sessional does not last more than 3 months and the degree course starts within one month of the end date of the pre-sessional course
  - the pre-sessional course is delivered by the institution itself, or it is being delivered by a partner institution listed as a partner institution on the main sponsor’s licence
• an independent school making an unconditional offer for a main course of study to a Tier 4 (Child) student, and the:
  o total duration of the pre-sessional course and the main course of study does not exceed the maximum level of leave allowed for the applicant
  o the pre-sessional course is delivered by the institution itself, or it is being delivered by a partner institution listed as a partner institution on the main sponsor’s licence
• issuing a CAS for a pre-sessional English language course no more than 3 months long and ending no more than one month before the start of the main degree course, for:
  o a student who has demonstrated their ability to speak English at a minimum of B1 level by providing a secure English language test and the institution is satisfied that on completion of the pre-sessional course the student will have reached the required B2 level

In the latter case, sponsorship must be withdrawn if the student has not reached the required B2 level on completion of the pre-sessional course.

**Overseas HEIs**

To be recognised as an overseas HEI, the institution’s Tier 4 students must:
- enrol in their home country
- come to the UK for no more than 50% of the total length of their course
- return home to finish their degree course

If the organisation is delivering study using classroom space rented from a third party, the classroom space must be within an institution that holds a Tier 4 licence.

**Tier 4 sites and partnerships**

The Tier 4 sponsor guidance defines a site as any location at which Tier 4 students are taught and a partnership as a collaborative arrangement between a Tier 4 sponsor and another organisation. Teaching partnerships are permitted under Tier 4 but they must not distort or dilute the relationship between a sponsor and a student, as that relationship underpins the effective functioning of the Tier 4 system.

Depending on the category of sponsor, the way in which it lists its sites and the requirements of any partnership arrangements will vary, including some exceptional arrangements and partnerships which need prior authorisation. You must familiarise yourself with the sites and partnerships requirements in document 1 of the Tier 4 sponsor guidance for educators ahead of visits.

The sponsor must apply to the Home Office if they want to add a site, exceptional arrangement or partnership to their licence. They must:

- use the sponsor management system (SMS) to apply to the Home Office
- give details of the site, partnership or exceptional arrangement so that the Home Office can carry out compliance checks
• provide information the Home Office ask for to help reach a decision
• notify the appropriate educational oversight body, and provide confirmation of this

If a sponsor does not apply to the Home Office before adding a new site, partnership or exceptional arrangement, they will have breached their sponsor duties.

**Academic progression**

If a sponsor assigns a CAS to a Tier 4 (General) student to undertake study in the UK after they have finished another course in the UK under Tier 4 (General), or as a student before the introduction of the points-based system, the new course must represent academic progression from the previous course.

Academic progression does not need to be shown if:

• it will be the student's first application under Tier 4 (General)
• the sponsor is assigning a Tier 4 (General) CAS for a student applying from overseas
• the sponsor is assigning a CAS to a Tier 4 (Child) student
• it will be the student’s first application to move to a new institution to complete an existing course commenced at a Tier 4 sponsor that had its licence revoked
• the sponsor is assigning a CAS for a student to re-sit an examination or repeat a course module or they have previously re-sat examinations or repeated modules and require leave to remain to complete the course:
  o a maximum of 2 exam re-sits or module repeats are allowed if student is studying at a probationary sponsor
• the sponsor is assigning a CAS for a student to complete a doctorate for which they were last given Tier 4 or Student leave
• the student is applying to undertake a role as a Student Union sabbatical officer or to complete the qualification for which they were last given Tier 4 or student leave after a period as a Student Union sabbatical officer
• the student is applying under the doctorate extension scheme
• the student is applying as a postgraduate doctor or dentist on a recognised foundation programme

**Doctorate extension scheme**

Since 26 April 2013, the doctorate extension scheme allows higher education institutions to sponsor students who are currently following a course leading to a PhD to stay in the UK for up to 12 months after their course has ended. Sponsored students apply for the doctorate extension scheme by making a new Tier 4 (General) application. You must check that the sponsor is applying the doctoral extension scheme rules correctly, if it sponsors students under this route.

This page does not attempt to explain the full Tier 4 (General) rules, it just gives an overview. Before you go on a Tier 4 (General) visit, you must study the Tier 4 (General) part of the sponsor guidance.
Tier 4 English language requirements

During a Tier 4 sponsor visit, you must check for compliance with the rules covering English language assessment by Tier 4 sponsors.

If a sponsor does not comply with the requirements below, they will be in breach of their sponsor duties and you must record this in the visit report.

Minimum level of English

Since 21 April 2011, all courses at or above level 6 on the regulated qualifications framework (RQF) must only be offered to migrants who can demonstrate English language ability at level B2 or above. Migrants must have used an approved language test unless the sponsor is a higher education institution, who may choose their own method of assessment.

Courses below level 6

For courses at RQF levels 3, 4 or 5 (Scottish Credit and Qualification Framework 6, 7 or 8 in Scotland), the sponsor must make sure the migrant is competent to at least level B1 or above. All sponsors, including higher education institutions, must use one of the secured English language testing systems approved by the Home Office. This also applies to students who are:

- taking foundation degrees
- taking pre-sessional courses before a degree course
- studying English as a foreign language under Tier 4 at level B2

Confirmation of acceptance for studies (CAS)

The sponsor must clearly state on the sponsor management system when they assign the CAS how they have assessed the English language level, where applicable.

Exemptions

The following categories of migrant do not need to prove their English language ability:

- Tier 4 (Child) students
- students moving from Tier 4 (Child) to Tier 4 (General)
- qualifying gifted students
- those who have successfully obtained an academic qualification (not a professional or vocational qualification) from an educational institution in the UK, which is a Bachelor's degree or above
- those who have previously completed an academic qualification equivalent to a UK degree which was taught in a majority English speaking country
• nationals from a majority English speaking country - you should note that South Africa is not classed as a majority English speaking country for the purpose of this assessment
• those who are applying under Tier 4 (General) to undertake a short-term study abroad programme in the UK as part of their course at an overseas higher education institute in the USA which leads to a qualification of at least equivalent level to a UK bachelor’s degree

Related content
Contents
Tier 4 (Child)

This page tells you what to consider when carrying out a sponsor visit for Tier 4 (Child).

This category is for children between the ages of 4 to 17 who are coming to study at independent fee-paying schools.

Private foster care

When the child is in private foster care, you must check that either the carer or the sponsor has provided the full details to their local authority. This is an obligation of the sponsor duties as well as a statutory requirement. Failure to do so is a breach of sponsorship duties and of area 5 of the human resource systems.

Under 16s

You must check that the sponsor has not issued any confirmation of acceptance for studies (CAS) to students aged under 16 who are coming to the UK to study English. For this type of study, the migrant must come to the UK as a short-term student (child).

16 and 17 year olds

You must be aware that a sponsor can assign either a Tier 4 (Child) or Tier 4 (General) CAS for 16 or 17-year old children provided the course is at regulated qualifications framework (RQF) level 3 or above. The following sets out various options:

- those who wish to study RQF level 2 courses (for example GCSEs) may be sponsored as a Tier 4 (Child) student
- those who wish to study a course at RQF level 3 or above, other than a foundation course, may be sponsored under either Tier 4 (General) or Tier 4 (Child)
- those who wish to study a foundation course may only be sponsored as a Tier 4 (General) student
- those who wish to study English as a foreign language may only be sponsored as a Tier 4 (General) student, unless the course is a pre-sessional language course to be taken before their main course of study at an independent school
Visitor categories

This page tells you what to consider when finding migrant visitors on a sponsor visit.

Employment

Visitors of any category do not have the right to work while in the UK unless they are doing permitted activities. If you find a visitor undertaking employment which is not permitted while on a sponsor visit, you must report this.

Short-term students

For some organisations, particularly English language colleges, the short-term student route (STS) would be more appropriate, if the level of the course does not meet the Tier 4 requirements.

When on a Tier 4 visit, you cannot assess attendance monitoring of STS students as they do not fall under the rules of sponsorship.

STS students cannot undertake employment or work placements. You must report any evidence that the sponsor is allowing STS students to work.

For more information on visitor categories, see: ‘Tourist and short-term visas’.

Related content

Contents
Proving your identity

This page explains the requirement to be able to prove your identity to sponsors and migrants.

Identification cards

When visiting sponsors, it is important you have an identification card to prove who you are. The Home Office issues identity cards to non-warranted officers who need to prove their identity to the general public. It is your responsibility to also make sure your identity card is in date as the team issuing the card will not remind you when it is due to expire.

Official – sensitive: start of section

The information on this page has been removed as it is restricted for internal Home Office staff only.

Official – sensitive: end of section

As you are not a warranted officer, you cannot force entry to a sponsor’s premises. The sponsor guidance makes clear that:

- as part of their sponsor duties, the sponsor agrees to cooperate with the Home Office
- compliance officers may prearrange a visit or carry out an unannounced visit

It is perfectly reasonable for a sponsor to ask you to prove your identity.

Extra verification

With or without an identification card, a sponsor or prospective sponsor may still insist on another means to verify your identity. Sponsors can call the Home Office on 0300 123 4699 to verify your identity.

Uniforms

You must wear a uniform when carrying out a visit if one has been provided. This is one way of proving your identity. You must have your line manager’s permission and a valid reason for not wearing a uniform on a visit, unless the risk assessment advises you not to.

Compliance officers in Northern Ireland are exempt from this requirement.
Counter terrorism referral process

This page tells you how to refer a case of potential counter terrorism (CT) interest to the police, where immediate action is required.

The information on this page has been removed as it is restricted for internal Home Office use only.

Related content
Contents
Interviewing the sponsor

This page explains the procedures and considerations needed when interviewing a sponsor on a sponsor visit.

You must use the current sponsor interview record in the interview:

- Tier 2/5
- Tier 4

Starting the interview

You must start by making sure that:

- the interviewee understands you
- they are fit and well to be interviewed
- the location of the interview has been carefully considered to protect the privacy of the interviewee

If, during the interview, the sponsor tells you they wish to surrender their licence, you must follow the guidance on [sponsors who want to surrender their licence](#).

Breaks

You must make sure that interviewees are offered refreshment breaks of at least 15 minutes every 2 hours, including meal breaks where appropriate. The start and end time of breaks should be recorded on the interview record. If the interviewee has refused a break and stated they wish to continue, this should also be noted.

Refusal to co-operate

The sponsor guidance makes clear that:

- the sponsor must co-operate with the Home Office
- visits will happen and that they may be prearranged or unannounced

If, during the visit, the sponsor appears not to be cooperating, you must politely remind the sponsor that when they signed their sponsor application they agreed to co-operate.

If the sponsor refuses to cooperate in the interview, you must:

- note any signs of non-co-operation in the visit report
- not make any judgemental remarks about the sponsor
- back up your comments with evidence as to why you considered the sponsor was not co-operating
Language considerations

Sponsors in Wales must be given the:

- opportunity to speak in Welsh if they so wish, and you must not force them to speak in English
- option to speak in Welsh through an interpreter if you do not speak Welsh

Where an authorising officer or key contact cannot speak English or Welsh, the interview may be carried out through the use of an interpreter. See ‘use of interpreters and translators’ section for more details.

On return to the office you must carry out a systems check on CID and CRS to identify if the person has gained citizenship or some other form of indefinite leave which requires an example of English language ability. If this is the case, you must send to the intelligence team through the IMS referral process as possible abuse.

The interview

Topic-based interview prompts have been produced. The following guide you on the areas you should be investigating:

- Tier 2/5
- Tier 4

Investigative interviewing involves exploring topic areas rather than simply asking a series of questions. You are expected to use active listening skills to decide the direction the interview should take. Each area on the prompt relates to a potential breach of the sponsor’s duties, but:

- the prompts do not contain an exhaustive list of relevant topics:
  - you may wish to ask other questions related to immigration practice that is outside the scope of sponsorship or work permit compliance - if you are asking these questions, you must be sure you have the subject knowledge to ask them
  - you must not ask questions about any non-immigration related subject
  - when you ask questions about sponsorship, you must only be asking questions which are relevant to compliance with the sponsor guidance

You must use the current standard interview record form to record:

- your name
- the name of the interviewee
- the time, date and location of the interview
- the questions asked
- the answers given at interview
You must not use your own version of an interview record form. Additional pages of interview notes must be recorded on the interview continuation sheets. The sponsor name must be written at the top along with the page number.

Once you have completed the interview record form, you must ask the sponsor to sign it to confirm that it is an accurate record of the interview. The sponsor must sign each side of every continuation sheet that contains interview notes.

If the sponsor refuses to sign the form, you must record this as evidence of non-compliance. You must note any reasons that the sponsor gives for refusing to sign.

**Key personnel**

On a visit, you may not get to speak to the authorising officer or key contact. You must not terminate the interview unless the sponsor tells you they:

- are not the appropriate person to talk to
- would prefer you to come back another time

It may be that by continuing the interview, you can gather enough evidence to make a re-visit unnecessary, but if not, Sponsor Operations may ask you to re-visit at a later date.

**The sponsor wishes to surrender their licence**

If, during the visit, the sponsor tells you they wish to surrender their licence, you must:

- tell them there are implications for doing this which means:
  - they will not be able to sponsor new migrants
  - where applicable, this will affect the leave of existing migrants
- ask the sponsor to log on to the sponsor management system to fill in the ‘surrender declaration’, print it off and sign it
- if the authorising officer has left the organisation, request a signed covering letter to verify the surrender – this will give casework colleagues the authorisation to act on the surrender request

At the earliest opportunity on returning to the office, you must send the surrender declaration form and where applicable, a covering letter, to:

Sponsor Casework Operations  
UK Visa and Immigration  
L4 Vulcan House Steel  
Millsands  
Sheffield  
S3 8NS
Migrant interviews

This page tells you how to carry out a migrant interview on a sponsor visit.

The purpose of the Tier 2 and 5 migrant interview is to assess whether the migrant is working and being paid in line with the conditions attached to their leave.

The Tier 4 migrant interview is to assess if the student is studying in line with their conditions attached to their leave. The areas on the interview prompt directly relate to this aim, but are not intended to be exhaustive.

You must start by verifying that:

- the migrant is fit, well and content to be interviewed
- the migrant can understand you
- the migrant can show you identification to prove their identity
- the migrant is subject to immigration control
- the location of the interview has been carefully considered to protect the privacy of the interviewee

Sponsored migrants must be interviewed either in English or Welsh. If a language barrier exists that makes this impossible, the inability to carry out an interview in an official language should be clearly noted on the visit report. The interview should not continue in a language other than English or Welsh whether through the officer’s ability to speak the language or through any local translation.

Migrants not subject to sponsorship

There may be occasions where the migrant you are interviewing has:

- now moved into a different immigration category
- indefinite leave to remain or citizenship
- acquired a right of abode under the EEA Regulations

If they are not Tier 2, 4 or 5 migrants or work permit holders, you must not continue the interview unless either:

- the individual wishes to speak to you, such as, they wish to make an allegation
- you think continuing the interview may be of benefit to any investigation

If you do continue with the interview, you must explain to the migrant that they:

- are under no obligation to speak to you
- can stop the interview at any time

Only where the migrant has poor or non-existent English language skills and you suspect potential illegal working or criminal activity may you use official interpretation.
services to interview them. See interpretation and translation section for more details.

The interview

If, during the interview, the migrant does not appear to understand your question, you must re-phrase it in a way they do understand. You must give the migrant every opportunity to explain their answers and this is even more important if their answer appears to contradict that given by the sponsor or if the answer indicates any breach of the conditions of their leave.

Breaks

You must make sure that interviewees are offered refreshment breaks of at least 15 minutes every 2 hours, including meal breaks where appropriate. The start and end time of breaks should be recorded on the interview record. If the interviewee has refused a break and stated they wish to continue, this should also be noted.

The interview record

Updated migrant interview records have been devised to maximise flexibility of questioning, and better support investigative interviewing techniques. The following are the only records you may use to record migrant interviews:

- Tier 2 and 5 migrant interview record
- Tier 4 migrant interview record

Topic-based interview prompts have been produced. The following guide you on the areas you should investigate:

- Tier 2 and 5 interview topic prompts
- Tier 4 interview topic prompts

Investigative interviewing involves exploring topic areas rather than simply asking a series of questions. You must use active listening skills to decide the direction the interview should take.

You must ask the migrant to sign the interview record form. This form is used as evidence in a revocation or curtailment case so you need to make sure you have followed the correct procedure. You must use the current standard interview record form. You must not use your own version of an interview record form. Additional pages of interview notes must be recorded on the interview continuation sheets.

Related content

Contents
Interpretation and translation

This page explains the rules about translation and interpretation during or after a sponsor visit.

Use of interpreters and translators

You must carry out interviews with migrants in English or in Welsh. It is crucial you verify the migrant understands you and they are able to carry out the interview in English or Welsh. If they are unable to do so, you must note this on the visit report. You must only use an official interpreter to:

- interview a migrant where potential illegal working or criminal activity is suspected, and an interview is needed for evidence
- interview a sponsor who is unable to speak English or Welsh
- interview a sponsor who wishes to speak in Welsh

During the visit, you must keep to the following guidelines:

- never allow someone encountered during the visit to interpret for you, as you cannot guarantee they are interpreting correctly
- you must not use your own language skills to interpret in another language unless:
  o you have registered those skills with the Home Office
  o are accredited to do so
- if you are able to speak fluently with a sponsor in Welsh, you are exempt from registering your language skills

If you fail to follow this guidance, any evidence you have gathered during the visit may be invalid if the interviewee, at a later date, challenges the interpretation skills.

Interpretation: Big Word

The Sponsor Management Unit use Big Word for interpretation, an on-call language service. An accredited interpreter does the interpretation, by telephone.

To use this service, you must:

1) Call 0800 321 3026 to access Big Word.
2) Enter your access code:
   o if you do not know your access code, contact your line manager or duty office
3) Enter the language code or enter 0 if you do not know the language code:
   o for a list of the top 30 languages, see the Big Word country access codes list
4) Explain to the interpreter the purpose of the call.
5) Carry out the interview.
6) Make sure you record the interpreter’s identification number on the interview record sheet.

Documents

All documents the sponsor keeps in relation to their sponsor duties must be in English or Welsh. If you request to see any documents and they are not in English or Welsh, the sponsor must supply a certified translation.

You must not request to see documents if it does not form part of the sponsor duties within the sponsor guidance. Requesting documents without a valid reason, particularly after a visit, that need translating may result in the sponsor attempting to make a claim against the Home Office if it is not seen as relevant.

Related content
Contents
Interview notes

This page explains the procedures concerning interview notes.

When carrying out an interview with a sponsor, a potential sponsor or a migrant, you must make interview notes. Interview notes must be legible and on the correct template, as these may be called into evidence as part of legal proceedings. You must use the current standard interview record form:

- Tier 2/5
- Tier 4

The following procedures must be covered during the visit:

- ask the sponsor, potential sponsor or migrant if they are fit and well to be interviewed
- ask if they are happy to carry out the interview in English or Welsh and if they understand what you are saying to them
- read out the statements from the interview record form and ask them to sign to say they agree to continue with the interview
- explain the purpose of the interview
- confirm the arrangements for breaks, for example, a break of at least 15 minutes will be taken every 2 hours
- record the start and finish time of the interview and note the time of any breaks
- ask the interviewee to sign the interview record form after the interview
- give them a copy of the interview records if they ask for one, either:
  - immediately if they have photocopying facilities
  - send a recorded copy in the post when you return to the office

You must not destroy the interview records under any circumstances. They are important pieces of information, which you may need to use as evidence at a later stage.

You must not use your own version of an interview record form.

Related content

Contents
Sponsors’ documents

This page explains the procedure for retaining documents from a sponsor visit.

Checking documents

During a visit, you will come across various kinds of documents. For the purpose of the visit, you are only required to examine documents that a sponsor or a potential sponsor is required to possess under its sponsorship duties. You should not normally keep copies of the documents as you will:

- verify most documents
- certify you have seen them (where necessary) in the visit report

*Keeping records for sponsorship (appendix D)* of the sponsor guidance gives a comprehensive list of the types of documents you may need to verify.

Keeping documents

There may be occasions during a sponsor visit when you may decide it is necessary to keep documents, for example, if:

- the sponsor is significantly failing in their sponsor duties and copies of documents will support your visit report
- the amount of information in the documents is vast and you need to examine it further back at the office
- you may have found an illegal worker and documentary evidence will benefit the Home Office in its ability to maintain immigration control
- there is evidence of a crime being committed and the documents will prove useful to:
  - partners within the Home Office
  - another government department
  - law enforcement officers
- Sponsor Operations or another unit has asked you to keep copies of documents

You must transport documents securely.

Original documents

You must avoid keeping original documents where possible. There will, however, be occasions when you need to keep original documents, such as payslips or documents that Sponsor Operations wish to see.

You must take copies of the original documents and return them to the sponsor as soon as possible. You must ensure that:
• the documents are returned
• the delivery is signed for
• a copy of the signed for postal record number is kept on file

You must make a note on Jira in the ‘Comments’ tab:

• confirming you have returned the documents
• clearly noting the signed for postal reference number

This will assist the Customer Contact Centre if the sponsor contacts them about the documents.

**Sponsor compliance**

The sponsor must provide you with any documents you request which are relevant to the running of the organisation. If the sponsor refuses to show you a particular document or allow you to take any documents away from the premises, you must consider the circumstances and decide whether the sponsor either:

• is non-compliant and refuses to cooperate
• has valid reasons or concerns and you agree the refusal is reasonable

If you decide the sponsor is not cooperating, you must reflect this in the visit report.

**Timescales for producing documents**

The documents specified in Keeping records for sponsorship (appendix D) of the sponsor guidance for employers must be made available to the compliance officer, but the guidance does not specify that this must be at the time of the visit.

You may mark a sponsor as ‘not met’ in the visit report if they tell you they do not have the documents.

If the sponsor tells you they have the documents requested but they are not immediately available, you must allow reasonable timescales for the documents to be produced. The timescales you allow will depend on the situation and is at your discretion.

In most cases, 3 working days will be appropriate, as the sponsor should have reasonable access to them. In exceptional circumstances, you may allow the sponsor up to 20 working days to produce their documents.

If the visit has been announced and the sponsor was told that the documents would be required during the visit, it is up to you to decide if more time should be given to provide the documents.
If the issue is that key personnel are not present, then you must agree a time with
the organisation when they will be able to provide the documents. If, for example, the
authorising officer is out of the country, and will not be back for a week, it would be
reasonable to expect all the documents to be provided in 10 working days.

In these cases, for clarity, transparency and agreement, you must complete the
'Further Document/ Information Request' form, listing the:

- documents and/ or evidence required
- timescales agreed to send the documentation
- method for sending the documents

This form may also be used to request any documents that Sponsor Operations has
requested to be seen during a pre-licence assessment visit, if the sponsor fails to
provide these.

If key personnel are present but tell you the documents are kept at another location,
you and they must agree how long it would take them to gather and provide this
information. The sponsor guidance does not give timescales but the reasonable
expectation is 3 working days, unless the sponsor tells you this would not be
possible. The sponsor must provide you with a valid reason why it would not be
possible to provide the information in 3 working days. You must agree a timescale
with the sponsor and follow the procedure described above for issuing a Further
Document/ Information Request form.

Special circumstances

There may be occasions where the sponsor is unable to send in the documents
within the timescales agreed on the 'Further Documentation/ Information Request'
form. This may be because of:

- death
- serious illness
- being stranded overseas
- regulatory inspection
- regulatory seizure of documents
- flood or fire damage

This list is not exhaustive. If you have a situation where it may be deemed
reasonable that the sponsor has not been able to provide the documents or
information within the agreed timescales, you must discuss this with a manager
before completing your report.

Data Protection Act 1998

As a compliance officer, you are covered by Section 29 (1) of the Data Protection Act
1998. This allows you to take away an individual's personal information to prevent or
detect a crime. You do not need to inform the individual you have their information.
The employer and the Home Office do not have to inform the individual you have kept their personal information.

You can share this information with:

- other interested units within the Home Office
- other government departments
- local authorities
- the police

Related content
Contents
Checks on record-keeping and reporting systems

This page tells you about the procedures and considerations involved in assessing a sponsor’s record-keeping and reporting systems.

Sponsor document storage

You must take into account that sponsors can keep documents in either an electronic or paper version. They do not have to store documents in any particular format. You cannot expect a sponsor to lock the documents away or store them safely. It is up to the sponsor how they store the documents but they must allow you to look at them if you ask.

Length of time to store documents

A sponsor must keep documents, unless otherwise stated in Keeping records for sponsorship (appendix D) of the sponsor guidance, for whichever is the shorter of:

- one year from the date sponsorship of the migrant ended
- the date on which you examine and approve them, if the migrant is no longer sponsored by that sponsor

A sponsor may need to keep documents for longer to satisfy the requirements of other legislation. This is irrelevant to your assessment and you must only assess the sponsor on the above requirements.

These requirements were put in place on 24 November 2016. If a certificate of sponsorship or certificate of acceptance for studies was assigned before this date, then the documents may have been legitimately destroyed under the old requirements.

Documents sent with a sponsor licensing application

A sponsor is required to keep these documents for the length of their licence. It would be unusual for you to need to see these but Sponsor Operations may ask you to verify a document the sponsor sent as part of their licensing application. If they have made a request, you will find it recorded on the visit referral form.

Approach to assessing human resource (HR) systems

When you assess HR systems, you must consider whether you are carrying out a pre-licence or post-licence compliance visit.

When on a pre-licence assessment visit, you are assessing:
• if there are HR systems in place or in readiness
• if the systems are likely to meet all the Home Office requirements if the sponsor licence is approved
• any additional evidence that may suggest the sponsor will, or will not, be able to fulfil their sponsor duties

When on a post-licence compliance visit, you are assessing:

• all of the points listed above for a pre-licensing visit
• that acceptable systems are actually being applied for any sponsored migrants

Tiers 2 and 5 and Tier 4 sponsor guidance

The guidance in these pages on checking a sponsor’s HR systems relate directly to paragraphs within the sponsor guidance. You must read the appropriate sections of the Tiers 2 and 5 guidance for employers and Tier 4 guidance for educators.

Related content
Contents
Checks on immigration status monitoring

This page tells you what to assess when examining the systems in place for monitoring a migrant’s immigration status when carrying out a sponsor visit.

You must check the sponsor:

- has a system for monitoring a migrant’s immigration status, so that it can stop sponsoring any migrant who no longer has permission to work or study in the UK
- keeps copies of migrants’:
  - passports, including any page showing leave stamps
  - immigration status documents including their period of permission to stay in the UK
  - UK biometric residence permits where applicable
- has proof, such as a copy of an asylum registration card, that each:
  - migrant employee can legally work for them
  - student is allowed to study with them

If a sponsor does not take copies of passports or immigration documents

If a sponsor does not take copies of passports or immigration documents for sponsored migrants, they automatically fail the record keeping and maintaining documents section of the visit report because they have failed the requirement of:

- immigration status monitoring
- maintaining documents

Such checks for non-sponsored staff are not mandatory and a sponsor is not in breach of their sponsor duties if they do not make these checks. If, however, the sponsor was found to be employing an illegal worker, the sponsor would not be classed by the Home Office as having a ‘statutory excuse’. For further information see the section on migrant issues and illegal working.

Monitoring expiry dates

You must be satisfied the sponsor is able to comply with the sponsor duty to stop employing or teaching migrants who no longer have the right to work or study.

How the sponsor makes sure they can comply is their decision, but they must be able to show an effective way of doing so. You may test the effectiveness of a system in place by questioning the sponsor about how they know when a particular
migrant’s leave is due to expire. Some examples are listed below, although this list is not exhaustive. They may:

- record the expiry date in an Outlook calendar
- record the expiry date in a diary
- have an excel spreadsheet or database with a list of dates
- have only a few staff and keep the date on an individual or group in a human resources file
- keep copies of visas or immigration stamps as a record of the expiry date

You must mark the sponsor as ‘Not Met’ in ‘Area 1: Monitoring Immigration Status’ on the visit report if they answer:

- ‘because they will tell me’
- ‘I don’t know’
- ‘I didn’t know I had to know’
- any similar answer

You must not mark the sponsor as ‘Not Met’ because, for example, they:

- do not have a system for alerting them 1, 2, or 3 months before the expiry date is due
- do not have a written procedure for how monitoring the expiry dates works
- only hold an electronic format and not a paper format
- only hold a paper format and not an electronic format
- have no migrants so they can’t monitor expiry dates

If you use any of the reasons above to mark down the sponsor, or use any other reasons that do not relate to the sponsor duties, your report will be rejected by the suspensions or re-rates teams.

Related content

Contents
Checks on maintaining migrant contact details

This page explains how you need to assess maintenance of migrant contact details during a sponsor visit.

The sponsor must:

- keep a history of sponsored migrants’ contact details:
  - UK residential address
  - telephone number
  - mobile telephone number
- have a system to make sure the details are always up to date

You can expect the sponsor to:

- have in place some kind of system for updating contact details
- have a system for recording the history on contact detail changes
- provide you with a migrant’s current contact details
- provide you with a migrant’s contact history

You cannot:

- decide the system the sponsor uses to record the contact details
- insist on both an electronic and paper copy
- insist on the sponsor having a back-up system in case of fire or flood damage
- penalise a sponsor without a migrant contact history, if the migrant has not moved or changed telephone number since being sponsored

When you check the human resources system, consider any differences in contact details between those the sponsor provided and those any migrant provided when interviewed. If you find any differences, this indicates that the sponsor may not be fulfilling its duties, so you must check further.

Related content

Contents
Checks on record keeping and recruitment practices

This page tells you how to assess record keeping and recruitment practices during a sponsor visit.

Tiers 2 and 5

The sponsor must:

- have a system for keeping the required documents for each migrant employed including:
  - professional accreditations and registrations
  - any relevant documents listed in Keeping records for sponsorship (appendix D) of the sponsor guidance
- be able to show a certificate of sponsorship (CoS) was assigned within 6 months of the first advert for the vacancy being placed unless an exception applies, for details on exceptions, see sponsorship guidance for employers
- keep a copy of the migrant’s national insurance number as listed in Keeping records for sponsorship (appendix D)
- keep copies of the migrant’s payslips
- be able to show documents to support how they confirmed that the migrant can do the job they are sponsored to do
- keep details of all applicants shortlisted for interview (where applicable) in line with Keeping records for sponsorship (appendix D)

Employment contracts

Keeping records for sponsorship (appendix D) does not enforce the requirement to have a contract of employment but, if there is one, the sponsor must keep a copy of it and you should ask to see it.

You must make sure the conditions are being met if the sponsored migrant has been issued:

- with a contract of employment
- with written conditions of employment
- any other document that implies a contract of a sort between the sponsor and the migrant

The terms and conditions of employment described in one of these documents must be the same as those stated on the certificate of sponsorship (CoS). If the salary, job title, job description or length of employment differs to that stated on the CoS, you must question the sponsor and the migrant further. You must be sure the migrant is
not doing a different job (or a job under different conditions) to the one stated on the CoS.

You must not mark the sponsor as ‘Not Met’ because they have not issued an employment contract or any other written statement describing terms and conditions of employment.

If, after questioning, it is clear the migrant is not doing the role stated on the CoS, you must mark the sponsor as ‘Not Met’ under ‘Recruitment Practices’. If evidence shows the migrant has never done the role stated on the CoS, you must also mark the sponsor as ‘Not Met’ in the ‘General Sponsor Duties’ section due to an inappropriate CoS having been assigned. A lower salary than stated on the CoS being paid from the start of employment may suggest this. You must quote the relevant paragraph of the sponsor guidance in your report.

You can also mark down the sponsor as ‘Not Met’ under ‘General Sponsor Duties’ if either:

- it is evident the migrant once did the job stated on the CoS, but has since changed roles
- the sponsor has failed to pay at least the appropriate rate for the job as set out in appendix J of the Immigration Rules

Before marking a sponsor as ‘Not Met’, you must be satisfied that this is a breach of the requirements set out in the sponsor guidance. You should consider whether there are certain conditions within the guidance that explain a migrant may change jobs within the same standard occupation classification (SOC) code.

If there is a ‘General Sponsor Duties’ breach, the reason will not be for the inappropriate assigning of a CoS because the migrant originally performed that role under the conditions stated on the CoS. You will need to mark the sponsor down for failing to meet the job description on the CoS and under ‘Migrant Tracking and Monitoring’ for failing to report a change of circumstances. You must quote the relevant paragraph numbers of the sponsor guidance.

Where possible, you should obtain a copy of the contract, with the sponsor’s permission. This may be relied upon as evidence at a point in the future if the migrant appeals a decision to curtail their leave, or where the sponsor is making representations against compliance action.

You must only ask to see the contract, if it exists, to examine it as potential evidence of a sponsored migrant meeting or not meeting their conditions of leave, and the sponsor having assigned a CoS appropriately and recruited responsibly, in line with the sponsor’s duties.

**Tier 4**

The sponsor must:
• have a system for keeping required documents for each migrant sponsored
• keep copies of any evidence the sponsor assessed as part of the process of making an offer, for example, evidence of:
  o previous qualifications
  o references
  o English language testing
• test English language in line with the requirements at the time the confirmation of acceptance for studies was assigned
• keep evidence of maintaining details of private foster care arrangements for Tier 4 (Child) migrants and evidence this information has been provided to the local authority
• keep evidence of holding certificate for Academic Technology Approval Scheme (where appropriate) and the electronic approval notice

You can expect the sponsor to:

• have a record keeping system that works
• have acted in line with the sponsor guidelines for resident labour market testing (Tier 2)
• show they have procedures in place to follow Home Office guidelines

You cannot expect:

• to dictate the procedure the organisation has in place
• documents to be locked away
• any resident labour market testing to have been applied outside of what is quoted in the sponsor guidance
• to insist Tier 4 sponsors test English in any particular way beyond the requirements set out in the Tier 4 sponsor guidance

Related content
Contents
Checks on migrant tracking and monitoring

This page tells you how to assess the sponsor’s systems for checking and monitoring migrant attendance during a sponsor visit.

**Tier 2 and Tier 5**

The sponsor must:

- have a system for monitoring migrant attendance
- be able to report within 10 working days migrants who:
  - fail to arrive for their first day of work
  - have 10 consecutive days of unauthorised absence - the 10 days for reporting an absence start after the tenth day of absence
  - are dismissed or have otherwise ceased to be sponsored by the sponsor
  - under Tier 2 (General) or Tier 2 (Intra-company transfers), take a period of unpaid leave, such as a sabbatical, which means that the sponsor is no longer allowed to sponsor the migrant - the [sponsor guidance for employers](#) details exceptions to this
- ensure that key personnel are still employed by the sponsor and they have reported any changes through the sponsor management system (SMS)

**Tier 4**

The sponsor must:

- have a system for monitoring sponsored student attendance
- report within 10 working days any sponsored student who:
  - fails to enrol within the enrolment period, including where a student has had their application for permission to come to, or stay in, the UK refused
  - has missed 10 consecutive expected contacts without authorisation and the sponsor is withdrawing sponsorship as a result
  - has ceased or deferred their studies
  - they stop sponsoring
  - has changed their circumstances, for example, their study location changes, duration of course shortens
- report any information that suggests a student is breaching their conditions of leave
- still employ key personnel and ensure that any changes have been reported through the SMS

From 28 November 2014, the sponsor must also withdraw sponsorship of students whose deferral of studies exceeds 60 days where exceptional circumstances, for example, serious illness, do not apply. If, at any point, the sponsor believes the
migrant will not be able to complete their studies within their existing period of leave once they resume, they must withdraw sponsorship.

You can expect:

- the sponsor to show how they apply their migrant attendance procedures
- to test the sponsor’s system by requesting information for specific migrants

You cannot expect:

- a Tier 2 or Tier 5 sponsor to show you a register of absence if the sponsor claims a migrant has not had any absences
- a sponsor to follow any procedures in their own staff or student handbook, that are not relevant to the sponsor guidance, for example, expecting a sponsor to have medical certificates on file

Related content

Contents
Checking compliance with general sponsor duties

This page tells you how to examine general sponsor duties during a sponsor compliance visit as required in the sponsor guidance of employers and educators.

Some of these duties are generic and others are specific to a type of organisation, sector or tier. When examining this area, it is important that you consider the sponsor guidance and the tier specific considerations as well as the information below.

You must check the sponsor is complying with their duties. The sponsor must make sure:

- they follow tier or sector specific sponsorship guidelines
- they do not pay a sponsored migrant in cash
- they pay Tier 2 and 5 sponsored migrants the appropriate rate listed in the relevant code of practice in appendix J of the Immigration Rules, where required
- sponsor management system (SMS) users do not share their passwords with anyone else
- they assign a certificate of sponsorship (CoS) or confirmation of acceptance for studies (CAS) appropriately, and in line with the sponsor guidance
- information entered onto a CoS or CAS is true and they have dealt honestly with the Home Office
- they inform the Home Office, through the SMS, of any changes to the organisation’s:
  - name
  - address
  - structure
  - branches, sites, partnerships or exceptional arrangements
- they inform the Home Office of any mergers, de-mergers, takeovers and partial takeovers, or if they have sold their business or part of their business, within the given timescales stated in the sponsor guidance - this is currently 28 days
- report any effect on a migrant’s employment as a result of Transfer of Undertakings (Protection of Employment) Regulations (TUPE) or Cabinet Office Statement of Practice (COSOP) or similar regulatory or legislative provision
- they have sent their application themselves and it has not been sent by a representative on their behalf
- key personnel are permanently based in the UK
- they inform sponsored students of their term and vacation dates so they can meet the conditions of their leave
- they do not employ illegal workers

Related content

Contents
Post visit process

This page tells you what to do once you have completed a visit.

You must carry out the following steps to make sure you have completed the sponsor licence assessment:

- check any further information you requested, which was not available to you at the visit
- write a report
- send the report to your manager by email for sign off and move the visit case to the ‘Report Written’ column in Jira

Once authorised, your manager will save the countersigned report in the shared folder and email Allocation, Monitoring and Performance Team to notify them the case is ready for casework. They will also return the visit case to you in Jira for you to close.

For more information, see the section on reporting the decision.

Related content

Contents
Visit reports

This page tells you how to make sure you complete the visit report effectively after a sponsor visit.

Recording facts

It is important the visit report contains information based on fact only and not on personal opinion. The information you provide must:

- not contain any subjective comments about anyone you come across while on a sponsor visit
- include specific examples of sponsor failings, such as what exactly was missing from a file and the full name of the migrant in question
- only relate to the sponsor visit and any following correspondence in relation to the visit
- have evidence to back up any assertions you make in the report, either through:
  - questioning
  - documents seen
  - systems seen

Writing a good visit report

A visit report must, as a minimum:

- provide a record of the checks and interviews that were carried out
- demonstrate how the sponsor is either compliant or in breach of each duty in an area
- provide a meaningful overview of the sponsor’s state of compliance with the sponsor duties, with direct reference to the relevant ‘guidance for sponsors’ paragraphs
- answer any specific concerns raised by the referrer

The ‘Observations’ section of the report may be used to record anything not recorded elsewhere on the form, such as:

- specific tasking matters
- matters which should have been picked up in the pre-visit checks
- other fact-based observations that may have a bearing on the result of the visit

Quality assurance

Sponsor Management have introduced a quality assurance framework, incorporating quality measures for every stage of the end to end visit process.
All reports must be countersigned by a higher executive officer (HEO) or above, unless the report is completed by staff at or above that level.

Managers will also check a cross-section of reports, interview notes and visit preparation documents across a range of visit outcomes, observing a percentage of compliance visits to inform training and development and drive performance.

Report quality

You must check the report for spelling and grammar before you send it to Sponsor Operations. You must also make sure the sponsor guidance is followed correctly.

Rejection criteria

If a countersigned report is still not of the required standard, it may be rejected by Sponsor Operations. This is a formal process and the unit will complete a report rejection form. The form will be sent to a nominated manager within your region. The form sets out the reasons for the report’s rejection.

A report is not deemed to be complete when the report is rejected. This means you are required to make any necessary amendments and re-send the form. If this is a pre-licensing visit, to make sure service level agreements are met this must be re-sent within 2 working days.

You must reference all documents seen and verified that are suitable and relevant to the visit in the compliance report and that are not kept in the file.

Related content

Contents
Litigation considerations

This page tells you what considerations you must make to ensure decisions about sponsor downgrades and revocation are well founded and more likely to withstand any challenges brought by sponsors through judicial review or private law claims.

Processes that help reduce potential litigation

To avoid legal proceedings, any action taken against a sponsor by the Home Office must be robust, defensible and in line with current sponsor guidance. To make sure this happens, you must:

- make sure you write good quality reports, including correct spelling and use of grammar
- only state facts and evidence-based judgments, not opinions, in your report
- make sure you only include information in your report that is relevant to compliance with the requirements set out in the sponsor guidance
- not include information that is not relevant to requirements specified in the sponsor guidance
- detail any evidence that you gathered which is relevant to your assessment
- not mark a sponsor down for not:
  - making follow-up passport checks
  - signing and dating passport copies
  - keeping next of kin details
  - having any migrants, so you cannot test their systems
  - having lockable cabinets
- score human resource systems and compliance in line with this guidance
- not destroy your handwritten notes
- keep the file while a decision is made if there are actionable compliance breaches – do not send it to Cody 4 for storage
- make sure scanning and document retention procedures are followed so that handwritten notes and other key evidence is readily available

The litigation team may request that you produce a written witness statement where a sponsor is challenging any action taken by the Home Office. The provision of a witness statement is non-negotiable and you must provide this within deadlines set by the litigation team. The team will be working to deadlines set by the court. The litigation team will work with the compliance officer and will remain the liaison between you and Government Legal Department.

Related content

Contents
Sponsor scores and rating

This page explains the scoring system used when assessing sponsor compliance, and the overall rating system for Tier 2 and 5 sponsors.

**Tier 2 and 5 scores**

**Tier 2 and 5 overall rating**

**Tier 4 scores**

**Tier 2 and 5 scores**

When rating the compliance of Tier 2 and 5 licensed sponsors, or prospective sponsors, you must give an overall rating for a sponsor’s human resources (HR) compliance in line with the following scores:

- ‘Met’ – which will usually result in an A-rating
- ‘Not Met’ – which, for a pre-licence assessment visit, will usually result in refusal or, for a post-licence compliance visit, may result in either a B-rating or suspension, dependent on the exact circumstances

The visit report template has been produced to reflect this, and ‘Met’ or ‘Not Met’ can now be selected from the ‘overall rating’ drop down menu.

**Tier 2 and 5 overall rating**

You must decide the overall rating for Tier 2 or Tier 5 sponsors based on their compliance with HR requirements.

**Sponsor ‘Met’ all requirements**

Where sponsors have met the requirements of all 5 of the HR compliance areas, their overall HR score will be ‘Met’. They cannot score ‘Met’ overall if you have given them a ‘Not Met’ for any of the 5 areas.

**One or more requirements ‘Not Met’**

If you have scored the sponsor as ‘Not Met’ for any of the compliance areas on a post-licence compliance visit, you must score the sponsor as ‘Not Met’ overall.

You must consider the sponsor’s overall willingness and ability to meet their sponsor duties, and whether or not they pose a threat to immigration control in writing your report. This will help caseworkers make a licensing decision. You should note in observations if the sponsor:

- appears genuinely not to have understood the sponsor duties
- appears very cooperative and shows eagerness to improve their systems
• has only received the 'Not Met' status because one area of their business or one franchise has let the wider business down and the sponsor is keen to rectify this
• does not give you any major concern about the sponsor posing a threat to immigration control

You must also give evidence in observations where:

• the sponsor totally ignores the sponsor duties and therefore poses a threat to immigration control
• the sponsor has no understanding of the sponsor duties and does not show the ability or eagerness to improve the situation in the future
• the sponsor is not cooperative during the visit and you have based the ‘Not Met’ scores on the sponsor’s unwillingness to provide the required information

Failing to meet all 5 areas will result in the sponsor being suspended in all but the most exceptional circumstances.

**Licence decision outcomes**

From 15 January 2018, you will no longer make a recommendation regarding the licence outcome following a compliance visit. You will conduct and document a thorough assessment of the sponsor’s current state of compliance, gathering supporting evidence.

The caseworker will use the evidence presented in the report, along with other relevant evidence to make a decision regarding the licence outcome.

The report template has been adapted to support this and will be available via Horizon from 15 January 2018. It will be the only accepted report version after this date. Reports submitted on alternative versions will be returned.

**Related content**

[Contents]
Migrant compliance areas to consider

This page tells you how to examine migrant compliance for sponsored migrants.

In rating the sponsor’s compliance, you must also consider the compliance of the migrants with the conditions attached to their leave.

If the sponsored migrant’s leave is supported by a certificate of sponsorship (CoS), you must consider whether:

- the pay is the same or more than stated on the CoS - there are some exceptions where pay can be less
- the sponsor can provide evidence of a resident labour market test, where applicable
- the job role is the same and any change of job has been dealt with in line with the rules on changes of employment as set out in the sponsor guidance for employers
- any change of hours or location have been reported by the sponsor via the Sponsor Management System (SMS)
- the CoS was assigned in line with the rules set out in the sponsor guidance for employers and educators

Checks of migrant compliance must be recorded under section 5, ‘general sponsor duties’, with full details of any breaches identified.

The only exception is where the migrant’s only breach is something the sponsor could not be expected to know, and is not something that represents a corresponding sponsor breach, such as, inappropriate supplementary employment. In such cases, you must outline the breach in a supplementary evidence report. Where this highlights concerns regarding the second employer, a referral must also be made through the intel referral procedure.

Any migrant-related non-compliance that represents a sponsor breach may lead to a B-rating, or suspension where the overall level of compliance warrants it.

Genuine vacancy

A genuine vacancy is one which:

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

You must consider if:

- the job description seems to be exaggerated deliberately to make it meet the requirements of the tier and category

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• the job role does not exist and is being used to enable a migrant to come to or stay in the UK
• advertisements are inappropriate for the job on offer and have been tailored to exclude resident workers from being recruited

If a sponsored migrant is not undertaking the role for which they are being sponsored and evidence suggests there was not a genuine vacancy for that particular role, you must demonstrate this in the report. Examples of a non-genuine vacancy would include where:

• a sponsored migrant recruited as a ‘business development manager’ is actually found to be undertaking the duties of a care assistant
• a migrant has been sponsored as a ‘marketing manager’ and the sponsor cannot demonstrate evidence to show the migrant has carried out appropriate duties such as those listed in appendix J of the Immigration Rules for the standard occupation classification code stated on the migrant’s CoS

If the sponsored migrant is a Tier 4 student, you must consider whether the student’s:

• level of English was verified
• qualifications are as stated on the CAS
• attendance is being correctly monitored and reported by the sponsor

Related content
Contents
Cross-government co-operation

This page tells you about the principals of cross-government co-operation.

The information on this page has been removed as it is restricted for Home Office use only.
The information on this page has been removed as it is restricted for internal Home Office use only.

**Official – sensitive: end of section**

**Related content**

*Contents*
Supplementary evidence

This page tells you the purpose of a supplementary evidence report.

Supplementary evidence report

The information on this page has been removed as it is restricted for internal Home Office use only.
Reporting your findings

This page tells you about reporting your findings following a visit.

**During the visit**

You must not give any indication of the outcome of the visit. This is clearly stated in the sponsor guidance for employers and educators, so the sponsor should already be aware. If the sponsor asks for an indication, you must tell them you will provide them with feedback. You must also not discuss any litigation issues.

**Copies of the report**

Authorised reports must be saved in the ‘Sponsor Specific Files’ folder in the shared drive by the countersigning manager who will then send an email to the Allocation, Monitoring and Performance team to inform them the case is ready for case working. The subject must read ‘Report complete: Sponsor Name: Referral Source’, and in the body of the email you must include a link to the shared folder location of the signed off report. Sponsor Operations will make a final decision on the action to take and will inform both you and the sponsor.

The sponsor may contact you after a visit to ask for a copy of the report. They have a right to this under the Freedom of Information Act. If they do so, you must contact Sponsor Operations to ask them to send a copy of the final report to the sponsor.

**Related content**

*Contents*
Reporting to intelligence teams and Home Office branding

This page tells you the procedure for reporting to intelligence teams and for reporting misuse of Home Office branding.

Depending on the referral reasons for a visit, there may be interest from other units in the Home Office in your visit report findings. It is important you consider these units when you send your report.

The information on this page has been removed as it is restricted for internal Home Office use only.
The information on this page has been removed as it is restricted for internal Home Office use only.

Official – sensitive: end of section

Home Office branding

If you come across evidence of an organisation still using the former UK Border Agency, or using the UK Visas and Immigration or Home Office logos without permission, you must gather evidence of this and email it to Design102.

If this is a sponsor, you can mark them as ‘Not Met’ under ‘General Sponsor Duties’ as it is a breach of Crown copyright.

Related content

Contents
Referrals to Civil Penalties Compliance team

This page tells you about the procedures for referring a potential illegal worker to the Civil Penalties Compliance team (CPCT).

The CPCT are responsible for caseworking referrals from Immigration Compliance and Enforcement teams and other compliance functions with the aim of issuing financial (civil) penalties to employers who are in breach of section 15 of the Immigration, Asylum and Nationality Act 2006.

Potential illegal workers or migrants in breach

During a visit, you may find information about migrants who do not have leave under Tiers 2, 4 or 5 or as a work permit holder and who are working illegally or in breach of their conditions, for example a:

- failed asylum seeker
- dependant
- student visitor
- migrant claiming to have citizenship or indefinite leave to remain

If you find this sort of information, you must follow the process to refer an illegal worker to CPCT. This guidance will also help you to identify and document potential illegal working on visits.

After the visit, you must check the individual migrants on the various internal databases such as CID and CRS. If you find information on an individual showing an immigration breach and suspect illegal working, you must complete a witness statement and Sponsor Management Unit referral form in line with the CPCT referral process. Within this process, you will also need to refer the information to Intelligence.

Findings that may suggest a breach include:

- a student employee with work rights on the rota to work 35 hours a week in term time
- a student visitor who is working
- an employee who claimed to have indefinite leave does not have valid leave
- an employee claiming to be a student is actually a failed asylum seeker

This is not an exhaustive list.
Evidence

You must send copies of any evidence gathered along with a referral to CPCT for them to consider the case.

Examples of evidence you may send include:

- passport or travel document copies
- incriminating documents
- staff rota
- staff lists
- pay documents

Related content
Contents
Action plans

This section tells you about the procedures for action plans issued to Tiers 2 and 5 sponsors who have been B-rated after a visit assessment.

Issues found during a visit
Re-rates team role
Time limits of the action plan
Visits before the 3 month period
Initial contact
Revisiting sponsors subject to an action plan
Final decision after an action plan visit

Issues found during a visit

If issues are found during a visit, you do not need to include points for improvement in the report. You must focus on highlighting each breach and supporting it with relevant facts from the visit.

All action plans are produced by the Re-rates team using the information you provide. You must only detail each issue once in the right section of the visit report and avoid duplication.

Re-rates team role

The Re-rates team will write to a sponsor when downgrading a licence and tell them that, if they want to accept the B-rating, they must:

- agree to have a time bound action plan put in place
- commit to make improvements by signing up to the measures set out in an action plan
- pay a fee to cover the cost of preparing an action plan

Once the sponsor has paid the fee and accepted the action plan, the Re-rates team will contact the Compliance team and inform them an action plan is in place.

Time limits of the action plan

The sponsor guidance for employers and educators makes it clear that a sponsor is expected to carry out the action plan recommendations within 3 months. This is the maximum time a sponsor can be subject to an action plan. If, during a visit the sponsor has not met the requirements of the plan and the 3 month period has elapsed, you must document this clearly in the report.

Visits before the 3 month period
If the sponsor requests an early visit, however, then you can arrange the visit earlier. You must not visit until the early action plan visit letter has been sent to the sponsor and signed and returned by the authorising officer. The letter makes it clear the:

- Home Office will only visit once
- Home Office would expect a sponsor to take 3 months to carry out the recommendations in the plan
- Home Office are happy to visit early at the request of the sponsor
- sponsor waives their right to take 3 months to carry out the recommendations in the plan
- Home Office may take action without a further visit

If the sponsor has failed to carry out the requirements of the action plan, you must not offer to revisit the sponsor within the 3 month period. The sponsor must have been made aware of the waiver within the content of the early action plan visit letter.

**Initial contact**

The sponsor may request advice on systems to put in place to make sure they meet the requirements of the action plan. You can provide assistance but you must keep to the following guidelines:

- you must not tell the sponsor what type of human resource (HR) procedures to put in place – if the sponsor is found at a later date not to be complying with the HR systems they could accuse you of telling them what to put in place
- to assist them in designing their own system for meeting the requirement, you must only:
  - describe the HR area
  - inform them of the requirements for that area
- if the sponsor describes to you a system they intend to put in place and want to verify if that would meet the action plan requirements, you can tell them whether you feel it would be sufficient to meet the requirement
- if you have discussed over the phone a system they intend to put in place, you must remind them they will be subject to a check when you visit them:
  - if the system does not stand up to testing, they will not pass the ‘human resource area’ of the visit report and may see their action plan extended or their licence revoked

**Revisiting sponsors subject to an action plan**

When you visit a sponsor with an action plan in place, you must re-assess all of the HR systems again, not just the areas the action plan refers to.

It may be the sponsor has changed the systems to meet the action plan recommendations, but that now means another HR area does not meet the requirements. You must only use the action plan sent out to the sponsor when
assessing their compliance. You can find a copy on the correspondence tab on Metastorm.

**Opportunity to provide evidence**

If there is a reason why the sponsor still does not meet an area of the action plan, you must give them every opportunity to provide evidence to show they do meet the area. You must tell the sponsor you still have concerns and explain them to the sponsor.

The sponsor may be able to answer your concerns by showing you additional processes or systems or may not have understood your questioning. You must not come away from the visit until you have given the sponsor every opportunity to show how they meet the action plan requirements.

**New areas of concern**

During the visit you may identify new areas of concern. Those areas of concern must fit into the HR systems or compliance systems you assess as in any other visit.

You cannot expect a sponsor to have systems that go beyond the requirements in the sponsor guidance.

**Final decision after an action plan visit**

After an action plan visit, you must complete the report as you would for any other visit.

**Compliant sponsors**

If the sponsor has put the action plan recommendations in place, you must fully complete the HR systems sections of the visit report describing exactly what the sponsor has put in place.

For action plan visits, Sponsor Operations expect a detailed description of how the sponsor is now meeting their duties.

You must be confident you have given the sponsor every opportunity to address your concerns. You must fully complete the report and expand upon your factual findings in the report. Where possible, you must gather evidence to support your arguments.

Claims made in your report must be justified. You must gather any evidence, where possible, and you must make sure the report contains the full details, using facts and not subjective evidence.

**Related content**

**Contents**

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Quality assurance of reports

In assessing the quality of your visit and report compliance managers will consider whether:

- your report:
  - is based on strong, factual evidence
  - contains subjective opinions
- you assessed enough material in proportion to the size and nature of the organisation
- you gave the sponsor every opportunity to address your concerns
- you gave sponsor ratings in line with the sponsor guidance
- the amount of the evidence presented in the report reflects the areas of the sponsor guidance that state ‘we will’ or ‘we may’ revoke your licence

If you cover the above issues in your report, you will:

- make sure your decision making process is robust
- assist Sponsor Operations in reaching the correct decision

You must also read about considering litigation.

Curtailing migrants’ leave when a licence is revoked

You do not need to do anything about curtailing migrants’ leave if Sponsor Operations intend to revoke a licence. Sponsor Operations will contact the necessary migrant teams to make sure they take action. The migrant teams will then make a decision about curtailing any migrant leave.

Curtailing a migrant’s leave when the license is not revoked

You may find on a visit a migrant is in breach of the conditions of their leave but it will not lead to licence revocation. For example, this may happen when:

- a dependant has said the person linked to their dependent visa is no longer living, working or studying in the UK
- the sponsored migrant is not working for the correct employer stated on their visa
- the sponsored migrant is not doing the duties they are sponsored to do, or has breached the rules of their migrant application

In these circumstances, you must follow the following steps:

- complete the migrant’s details in the relevant section of the report
- email the report to the relevant team in Sponsor Operations
• copy the migrant revocation team for Tiers 2 and 5 and work permits into the email

Related content
Contents
Visit documentation

This section tells you about the procedure for handling and storing visit documentation after the visit report is complete.

**Scanning**

**Making up the file**

**Sending documents to Sponsor Operations**

**Sending physical files to offsite storage**

**Scanning**

Certain documentation must be scanned after the visit into the corresponding locations on the shared drive, and named according to the Sponsor Management Unit file naming conventions.

The list below tells you what to do with each type of document:

- copies of documents which do not evidence a breach (passports, wage slips, contracts, general company information), and were not specifically requested by Sponsor Operations on the referral – do not scan, but retain on file for quality assurance purposes only
- copies of documents which do not evidence a breach (passports, wage slips, contracts, general company information), but were specifically requested by Sponsor Operations on the referral – scan documents, but do not retain on physical file
- copies of documents which evidence a breach (passports, wage slips, contracts, company information) – scan and retain in the file in offsite storage
- all handwritten documents, including notes taken during the sponsor visit, telephone conversations, letters or emails relating to the sponsor visit - scan and retain in the file in offsite storage unless Sponsor Operations specifically request them
- countersigned visit report- add to the sponsor ‘visits’ folder so that caseworkers can use it to make and communicate the decision

For managers to check the quality of decisions, handwritten notes and all other documentary evidence from visits must be retained locally for 2 to 6 weeks, before sending to offsite storage or discarding as in the above list. Once the report is complete and the necessary documents have been scanned, any original documents belonging to the sponsor or migrant must be returned to them by recorded delivery.

Scanned documents must be saved in the ‘1. Sponsor Specific Files’ folder. They must not be stored locally. All documents saved must be named in the format:

`YYYY-MM-DD _ORGANISATION NAME_TYPE OF DOCUMENT`
Making up the file

You must keep to the following standards:

- you must attach a linking request form to the file and it must be the top sheet
- the form must include:
  - the file’s original application reference - that is the sponsor licence number
  - the sponsor’s name as it appears on Jira
  - the file year (the year the file was created and not the year submitted)
  - full name of who is submitting the form, a contact telephone number, the sending team and the team address
- you must not send the file in a paper or plastic wallet
- the document must have a single hole punch in the top left corner and be bound by a treasury tag

Sending documents to Sponsor Operations

Once documents are scanned, if the sponsor is non-compliant and they are requested, officers must send interview notes to Sponsor Operations by mail.

You must not:

- send documents they have not requested - see ‘Reporting the decision’
- keep copies of these documents on the file to be sent to Cody 4

You must send the copies to the following address, clearly marking the sponsor’s original application reference (their SPL number) and a covering note:

Sponsor Operations
UK Visas and Immigration
Vulcan House Steel - fourth floor
PO Box 3468
Sheffield
S3 8WA

Sending physical files to offsite storage

If the documents are scanned and Sponsor Operations do not require them, the sponsor file must be sent to offsite storage. It must contain:

- all handwritten documents, including notes taken during the sponsor visit and any telephone conversations
- any letters or emails relating to the sponsor visit
- other evidence directly relating to a breach, for example, rotas and payslips which evidence underpayment
- a linking request form
You must not include:

- any information or evidence which does not evidence a breach
- any documentation Sponsor Operations asked you to verify (see sending documents below)
- original documents belonging to the sponsor or migrant
- the visit report or previous reports
- intelligence or sensitive information

**Official – sensitive: start of section**

The information on this page has been removed as it is restricted for internal Home Office staff only.

**Official – sensitive: end of section**

You must:

- keep a record of when you sent visit files to Cody 4
- keep a record of when Cody 4 return files because they are requested or due to inadequate labelling
- send files in a storage box by secure internal mail and not individually in envelopes

Cody 4 will return any individual documents you send. You can get storage boxes by contacting the File Services Contract team.

### Requesting a file back from Cody 4

To recall a file from Cody 4, you must complete a file request form and email Cody 4. You must:

- include all relevant details including the original application reference SPL number, the sponsor name and sponsor address
- include details of where and to whom they must send the case
• select the standard urgency level - Selecting ‘high’ will cost extra in courier charges
• only select ‘high’ urgency if it is justified and a senior manager signs it off

You must then email Cody 4 with the sponsor name and reference number in the subject field and the form as an attachment.

**Related content**
[Contents]
Sponsor requests general advice

This page tells you what to do if a sponsor requests general advice.

Compliance officer limits on giving advice

You must remember that sponsors and members of the general public will not see you as a compliance officer but as a Home Office member of staff. There will be times when they contact you for advice or information, because they have your contact details. Remember, you must:

- not provide information or advice on immigration subjects outside of sponsorship:
  - this includes in relation to areas where you have previously worked, as your knowledge may now be out of date
- refer the person on to the relevant unit or contact centre

Request for sponsorship information

You can give information that directly relates to the sponsorship requirements but make sure you know the correct policy before giving out information. If the sponsor request is complicated and you are not clear on the sponsor requirements, discuss with your line manager. If you still don’t have the answer, you must email your query to one of the following teams:

Official – sensitive: start of section

The information on this page has been removed as it is restricted for internal Home Office use only.

Official – sensitive: end of section

You must not give out these email addresses to sponsors or members of the general public. They are for internal staff only. If you let members of the public have them, you will prevent the relevant teams from dealing with internal queries.

Employers can email the Business Helpdesk or call the employers’ helpline on 0300 123 4699 for:

- sponsorship and employers’ helpline questions
- assistance with password resets
- sponsor management system queries
- licence application queries
Educational institutions and Tier 4 sponsors can email the Educators Helpdesk or call the education providers’ helpline on 0300 123 4699 for:

- general sponsorship enquiries
- checking the progress of a sponsor application or request

Premium sponsors should contact the licence manager and colleagues named in their welcome pack. If they are unavailable, they should email the Premium Customer Service.

Other useful numbers and email addresses

For queries relating to European nationals, call 0845 010 5200.

For queries relating to nationality and citizenship, call 0845 010 5200.

For queries relating to whether a representative is Office of Immigration Service Commissioner (OISC) registered, call 0845 000 0046 or email OISC.

Related content

Contents
Employer allegations and requests for checks

This section tells you what to tell a member of the public if they want to make an allegation.

If an employer wants to make an allegation about another sponsor or about an employee, then they can contact the sponsorship and employers' helpline. They can:

- telephone 0300 123 4699
- email the Business Helpdesk

Employer requests for checks

If an employer wants to check if a migrant has a legal right to work, they can contact the sponsorship and employer's helpline. They can:

- telephone 0300 123 4699
- email the Business Helpdesk

Related content

Contents