



Home Office

Workers, Temporary Workers and Students: guidance for sponsors

Appendix D: keeping documents – guidance for sponsors

Version **05/21**

This guidance covers:

- documents that must be retained by Worker (including Tier 2), Temporary Worker (including Tier 5) and Student (including Tier 4) sponsors
- how long documents must be retained

This version of the guidance applies from 21 May 2021.

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Version number and publication

Below is information on the version number of this guidance and when it was cleared for publication:

- Version **05/21**
- cleared for publication on 18 May 2021

Changes from the last version of this guidance

This version replaces version 03/21 (published on 16 March 2021). The following changes have been made:

- Part 1, paragraph b: minor amendment to reflect that EU, EEA and Swiss nationals can now be sponsored on these routes
- Part 1, paragraph I: new paragraph added to reflect record-keeping duty for sponsored workers who require an Academic Technology Approval Scheme (ATAS) certificate
- Other minor housekeeping changes

Introduction

This document is for Worker (including Tier 2), Temporary Worker (including Tier 5) and Student (including Tier 4) sponsors. It is an appendix to the full policy guidance on [sponsoring a Worker or Temporary Worker](#) or [sponsoring a Student](#). It lists the documents you must keep to fulfil your sponsorship duties.

In this Appendix, unless otherwise stated, references to “worker” include people sponsored on:

- the Worker routes (Skilled Worker, Intra-Company Routes, T2 Minister of Religion, T2 Sportsperson)
- the T5 (Temporary Worker) routes (Charity Worker, Creative or Sporting Worker, Government Authorised Exchange Worker, International Agreement Worker, Religious Worker, or Seasonal Worker); or
- the Tier 2 routes and Tier 5 (Temporary Worker) routes in place before 1 December 2020

Format of documents

Documents can be kept either as paper copies or in an electronic format. There is no prescribed method for storing the documents but you must be able to make them available to us on request.

How long you must retain documents

Unless otherwise stated in this guidance, all documents relating to a worker or student whom you sponsor must be kept throughout the period that you sponsor them and until whichever is the earlier of:

- one year has passed from the date on which you end your sponsorship of the worker or student; or
- the date on which a compliance officer has examined and approved them, if this is less than one year after you ended your sponsorship of the worker or student

In addition to the documents set out in this Appendix, you must also keep the documents you provided as part of your application to become a licensed sponsor. You must keep this information for as long as you hold a sponsor licence.

You may need to retain some documents specified in this appendix for other purposes (for example, to comply with legislation on [preventing illegal working](#)) and for longer periods of time. You must ensure that you meet any other legal requirements for record keeping, such as ones set either by us or another government department.

Data protection

You must be aware of your responsibilities under the Data Protection Act 2018 and the UK General Data Protection Regulation. The [Guide to the UK General Data Protection Regulation](#) page on the Information Commissioner’s Office website has detailed information on this, including guidance on the [immigration exemption](#).

Part 1: for each worker sponsored on the Worker (including Tier 2) or Temporary Worker (including Tier 5) routes

- a. A copy of each sponsored worker's current passport. You must copy pages showing the worker's personal identity details and any relevant entry clearances (visas) or permission (leave) to enter stamps showing that the person has permission to work for you as a licensed sponsor. The only exception to the requirement to make a copy of the worker's passport is where the worker is employed for one day or less and it is not practicable to obtain this evidence. For detailed guidance on checking a person's right to work in the UK, see [Right to work checks: an employer's guide](#) on GOV.UK.
- b. Where relevant, evidence of the worker's date of entry to the UK. If you sponsored the worker's most recent application for entry clearance (a visa to enter the UK) on the Worker (including Tier 2) or Temporary Worker (including Tier 5) routes, you must check that they entered the UK during the validity period of their visa. If they entered before the 'valid from' date on their visa, they will **not** have permission to work for you. If this happens, you should advise the worker to leave the Common Travel Area (UK, Guernsey, Jersey, Isle of Man and Ireland) and re-enter the UK once their visa becomes valid.

You do not have to carry out this check if the worker has been granted, or is applying for, permission to stay (leave to remain) in the UK. This includes where the worker is applying for an extension of their Worker or Temporary Worker permission or is 'switching' (changing immigration route) to the Worker or Temporary Worker routes while they are in the UK. You must, however, carry out the right to work checks and retain the evidence described in paragraph (a) above.

In most cases, you can check a worker's date of entry by looking for an entry stamp, in the form of a wet ink stamp, from an immigration officer. This will normally be endorsed on the worker's visa. You must make and retain a copy of the stamp.

There are, however, some circumstances in which the worker will not have an entry stamp, including:

- those who hold a valid visa and entered the UK through Ireland
- [EU, EEA](#) and Swiss nationals, and nationals of Australia, Canada, Japan, New Zealand, Singapore, South Korea and the United States of America – nationals of these countries can use automated e-Passport gates ('e-Gates') to enter the UK if they hold a valid visa

If the worker does not have an entry stamp in their passport, you must still check that they did not enter the UK before their visa became valid by asking to see other evidence, including, but not limited to, travel tickets or a boarding pass (in paper or electronic form). You must then make a record of the date that the worker entered the UK, but do not have to retain evidence of the date.

Important note – T5 Creative and Sporting visa concession

If the worker is eligible to enter the UK without a visa under the [T5 Creative and Sporting visa concession](#), they must have a 'leave to enter' stamp from an immigration officer clearly showing that they have permission to work for you. If the worker used the e-Gates to enter the UK, they will not have permission to work and must therefore leave the Common Travel Area and seek re-entry to the UK, making sure that they see an immigration officer on arrival.

If the worker will be entering the UK under the concession via Ireland, they must apply for, and have been granted, leave to enter before they arrive in the UK by using the [remote clearance process](#).

For further information, see section CRW6 of [Sponsor a Creative Worker](#) or section SPO7 of [Sponsor a Sportsperson or Sporting Worker](#).

- c. A copy of the worker's biometric residence permit (BRP). If the worker entered the UK with a short-term biometric visa (valid for 30 days), they must collect their BRP before this visa expires, or within 10 days of their arrival, whichever is later. You must make a copy of the worker's BRP. For further information on BRPs, see: [Biometric residence permits: overseas applicant and sponsor information](#) on GOV.UK.
- d. If you employed a Croatian national who was subject to worker authorisation between 1 July 2013 and 30 June 2018 (inclusive), a copy of their worker authorisation ('purple') registration certificate showing that they were allowed to work for you, and do the work in question, during that period.
- e. A copy of the worker's National Insurance (NI) number, unless the worker is exempt from requiring one. This could be a copy of one of the following:
 - worker's NI card or NI number notification letter from HM Revenue and Customs (HMRC) or the Department for Work and Pensions (DWP)
 - worker's BRP, if this shows their NI number
 - worker's wage slip
 - worker's P45
 - Real Time Information (RTI) starter checklist - formerly P46
 - P60
 - P11 free of tax pay (FOT): employer's declaration sent to HMRC
 - RTI Employment Payment Summary (EPS) sent online to HMRC - formerly P14: employers annual return sent to HMRC manually
 - RTI Full Payment Submission (FPS) sent online to HMRC - formerly P35: employer's annual return to HMRC

Note: some workers will have their NI number recorded on their BRP. If this is not the case, you must encourage the worker to [apply for a NI Number](#) as soon as possible, if they have not already done so.

- f. A history of the worker's contact details (UK residential address, personal email address, telephone number (mobile and/or landline). This must always be kept up to date.
- g. In the case of the employment of a child aged under 18, you must make a copy of a letter from the child's parents or legal guardians, or just one parent if that parent has sole legal responsibility for the child, consenting to the arrangements that have been made with regard to the child's application, travel, reception and care arrangements in the UK.
- h. A copy of the worker's Disclosure and Barring Service (DBS) check where required for the role undertaken by the sponsored worker.
- i. A record of the worker's absences, which may be kept electronically or manually.
- j. Any other document set out in the [sponsor guidance for employers](#) and, where relevant, [Appendix T5 Creative Workers codes of practice](#).
- k. If you are licensed under T5 (Temporary Worker) International Agreement Worker to sponsor contractual service suppliers or independent professionals, you must keep a copy of any contract you have awarded for the supply of service to you and either of the following:
 - the tender document for that contract
 - evidence of how the contract was awarded if it was not formally tendered
- l. If any worker you are sponsoring requires an Academic Technology Approval Scheme (ATAS) certificate for the role they are undertaking, you must keep a copy of their ATAS certificate or of the electronic approval notice received from the Foreign, Commonwealth and Development Office. For further information on this requirement, see:
 - '[ATAS requirement](#)' in section S7 of [Part 2: Sponsor a worker](#)
 - '[Complying with our immigration laws](#)' in section C1 of [Part 3: Sponsor duties and compliance](#)

Part 2: evidence of recruitment activity for Workers (including Tier 2) and Temporary Workers (including Tier 5)

You must be able to show how you have recruited your sponsored workers. For some routes, you must have carried out a formal resident labour market test before employing a migrant worker, or taken other steps to ensure you are not displacing a suitable settled

worker. For other routes, there is no formal resident labour market test but you must still be able to explain (and, where appropriate, provide evidence of) how you recruited the worker – this is to help us assess whether the vacancy is genuine.

- [Section A](#) below tells you the evidence you must keep if you were required to carry out a resident labour market test, or take other steps to protect the settled workforce
- [Section B](#) below tells you the evidence you must keep, or information you must provide, where there was no formal resident labour market test requirement

A. Formal resident labour market test (or similar) required

If you were required to carry out a formal resident labour market test, or otherwise take steps to protect the settled workforce, before employing a migrant worker, you must keep evidence that you have done so. The evidence you need to keep depends on the route in which you are, or were, sponsoring the worker. If the route is not listed in the table below, or the specific role was exempt from the test, go to [Section B](#).

	Route	Evidence required
1.	<ul style="list-style-type: none"> • The Tier 2 (General) route in place before 1 December 2020 	See paragraphs (a) to (i) below
2.	<ul style="list-style-type: none"> • The T5 Religious Worker route currently in place • The Tier 2 (Minister of Religion) route and Tier 5 (Temporary Worker) Religious Workers route in place before 1 December 2020 	See paragraphs (a) to (f) and (j) below
3.	<ul style="list-style-type: none"> • The creative provisions of the T5 Creative or Sporting Worker route currently in place • The creative provisions of the Tier 5 (Temporary Worker) Creative and Sporting route in place before 1 December 2020 	See paragraphs (a) to (f) and (k) below
4.	<ul style="list-style-type: none"> • The T2 Sportsperson route and the sporting provisions of the T5 Creative or Sporting Worker route currently in place • The Tier 2 (Sportsperson) route and the sporting provisions of the Tier 5 (Temporary Worker) Creative and Sporting route in place before 1 December 2020 	See paragraph (l) below only.

Note: for guidance on the resident labour market test requirements before 1 December 2020, see the archived 'Tier 2 and 5: sponsor guidance' on the [National Archives website](#).

Evidence for all routes listed under 1 to 3 above

- A copy of each job advertisement you placed, which must include **all** of the following:
 - the job title
 - the location of the job
 - the main duties and responsibilities of the job
 - the skills, qualifications and experience needed for the job

- an indication of the salary package or salary range
 - the closing date for applications
- b. Where the vacancy was advertised on the internet (including on your own website, where this is permitted by the sponsor guidance), you must keep a screen shot from the website hosting the advertisement, on the day the vacancy is first advertised (see Note below), which clearly shows **all** of the following:

- name of the website
- contents of the advert
- the Uniform Resource Locator (URL) (website address)
- date the vacancy was first advertised (if stated)
- closing date for applications

Note: if the website clearly shows the date the vacancy was first advertised, the screen shot can be taken at any point during the period the vacancy is advertised.

- c. Where you were required to advertise through a relevant online government job-search service (see Note 1 below), or otherwise chose to advertise through this medium, you must keep a screen shot from the relevant government website on the day the vacancy is first advertised (see Note 2 below), which must clearly show **all** of the following:

- the logo of the relevant government website hosting the job advertisement
- the URL (website address)
- contents of the advert
- date the vacancy was first advertised (if stated)
- closing date for applications
- any job reference number (if stated)

Note 1: 'relevant online government job-search service' means: [Jobcentre Plus 'Find a Job'](#) (or its predecessor, Universal Jobmatch); [JobCentre Online](#) (for jobs in Northern Ireland); or [GOV.UK 'Teaching Vacancies'](#) (for teaching jobs in England).

Note 2: if the website clearly shows the date the vacancy was first advertised, the screen shot can be taken at any point during the period the vacancy is advertised.

- d. For any online advertisement that is not on your own website and does not show your organisation's name, you must provide a copy of a letter or invoice from the website to prove that an advertisement was placed.
- e. If the vacancy was advertised in a national newspaper or relevant professional journal, you must keep a copy of the job advertisement as it appeared in the given medium. The copy must clearly show the title and date of the publication and the

closing date for applications. If the advertisement does not show your organisation's name, you must provide a copy of a letter or invoice from the newspaper and/or journal to prove you placed an advertisement.

- f. You must retain the following documents from any recruitment process where a formal resident labour market test was required:
- all applications shortlisted for final interview, in the medium they were received, for example: emails, CVs, application forms – this should include the applicant's details, such as name, address, and date of birth
 - the names and total number of applicants shortlisted for final interview
 - for each settled worker who was rejected or did not take up the offer of employment, interview notes or other documentation which show the reasons why they have not been employed

For a definition of 'settled worker', see the Glossary in [Part 1: Apply for a licence](#).

Additional evidence for Tier 2 (General)

- g. Where you used a rolling recruitment programme, any evidence under paragraphs (a) to (e) above must clearly show that it is a rolling programme and must indicate the period of the recruitment exercise.
- h. If you used a milk round (where permitted by the sponsor guidance), you must keep a letter from each university, on their headed paper, confirming the milk round, the dates it was conducted, and the method used – for example, presentation and/or interview method.
- i. If you recruited a sponsored researcher, you must keep evidence of the competitive process that took place. This could be an advertisement for the grant, a programme for the selection process, the judging criteria, or any other relevant evidence.

Additional evidence for the religious work routes listed under 2 above

- j. If you satisfied the resident labour market test by undertaking a search of national records you hold, as well as, or instead of, advertising the post, you must be able to provide a copy of those records. For further information, see [Sponsor a Minister of Religion or Religious Worker](#).

Additional evidence for creative workers listed under 3 above

- k. You must retain evidence that you have complied with the relevant [creative sector code of practice](#) or, where no code exists for the role, evidence of how you have confirmed the worker will not be displacing a suitable settled worker. For further information, see [Sponsor a Creative Worker](#).

Evidence for sportspersons and sporting workers listed under 4 above

I. For each worker sponsored on these routes, you must keep:

- a copy of the endorsement letter for the worker issued by the relevant sports governing body; and
- all documents and information submitted as part of your application to obtain that endorsement

You must retain this information for **2 years** after the endorsement expires.

For further information on the sports governing body requirement, and your record-keeping duties as a sporting sponsor, see [Sponsor a Sportsperson or Sporting Worker](#) and the [sporting code of practice](#).

B. Formal resident labour market test not required

If you are sponsoring a worker on a route that does not require a formal resident labour market test, or the role was otherwise exempt from the test, you must still retain evidence of any recruitment activity you have undertaken. If you did not advertise the role, you must be able to explain how you recruited the worker. This information will help us establish, where necessary, that the role is a genuine vacancy.

This requirement applies to all Worker (including Tier 2) and Temporary Worker (including Tier 5) routes where there is no formal resident labour market test requirement, or where the specific role is exempt from that requirement.

a. If you advertised the role, you must retain all of the following:

- i. Details of any advertisements you placed (see Note below), including:
 - a screenshot, printout or photocopy of the advert, or a record of the text of the advert; and
 - information about where the job was advertised (for example, website address), and for how long

Note: there is no specified minimum number of adverts you must place, or prescribed method of advertising. Where you have placed more than one advert, we recommend you retain evidence of all adverts placed.

- ii. A record of the number of people who applied for the job, and the number of people shortlisted for interview or for other stages of the recruitment process.
- iii. At least one other item of evidence or information which shows the process you used to identify the most suitable candidate (see Note below) – examples include but are not limited to:
 - a copy or summary of the interview notes for the successful candidate

- a list of common interview questions used for all candidates as part of your selection process
- brief notes on why the successful candidate was selected and why other candidates were rejected
- information about any scoring or grading process you used to identify the successful candidate
- any other relevant information or evidence

Note: you do not have to retain application forms, CVs, interview notes or any other personal data relating to unsuccessful candidates.

- b. If you did not advertise the role, you must, if asked, be able to explain (and, where practicable, provide evidence of) how you identified the worker was suitable—examples include, but are not limited to, the following:
- you identified the worker through a university milk round – you should retain evidence of the milk round as described in [Section A](#), paragraph (h) above
 - the worker was already legally working for you on another immigration route and you established they were suitable for the role through their previous performance
 - the worker applied to you outside of a formal advertising campaign (made a ‘speculative’ application) and you were satisfied (for example, by interviewing them and/or checking references or qualifications) they had the necessary skills and experience to do the job

Part 3: salary for Workers (including Tier 2) and Temporary Workers (including Tier 5)

- a. Copies of the worker’s payslips, clearly showing the name, NI number, tax code, any allowances paid, and deductions made. For limited liability partnership (LLP) members, you must keep copies of the worker’s evidence of drawings and profit share.
- b. Evidence of the amount and frequency of all salary payments made to each worker, showing the transfer of each payment into the named worker’s bank account or onto their pre-paid card, for example, a FOREX card.

Where you wish to rely on other account records, we must be able to clearly identify the specific worker’s wage to assess whether the worker is being paid in line with what you originally stated on their Certificate of Sponsorship and with the rules set out in the [Sponsor guidance for employers](#). Accounts that show only ‘wages for personnel’ but not specifically the sponsored worker by name or other unique identifier are not considered acceptable.

Note: this is not required for contractual service suppliers or independent professionals.

- c. A copy of any contract of employment or for services, or a written statement of employment particulars, between the sponsor and the worker, which clearly shows all the following:
- the names and signatures of all parties involved – normally, this will only be you and the worker
 - the start and end dates of the contract
 - details of the job, or piece of work that the worker has been contracted to do
 - the hours the worker will work
 - an indication of how much the worker will be paid

Note: if you are sponsoring a contractual service supplier or an independent professional on the T5 (Temporary Worker) International Agreement Worker route, the contract between you and the supplier of the service does not have to specify how much an individual worker will be paid.

- d. Where the worker receives any allowances as part of their salary package (where permitted on the route on which the worker is being sponsored – see Note 2 below), evidence of the value of those allowances must be kept, unless they are clearly shown in a contract of employment or contract for services, or on the worker's payslips.

Below are 2 examples:

Example 1

If the worker receives help with accommodation by way of housing being provided, you must have evidence from the owner or letting agent for the property concerned which clearly states the value of the rent payable by you on the property.

Example 2

If the property is owned by you, there must be an independent assessment of the monthly rent achievable from the property concerned.

This is not an exhaustive list and you must be able to accurately document the value of any allowances you pay in cash or by way of goods and/or services so that we can be satisfied that they are being paid in accordance with the Immigration Rules and sponsor guidance.

Note 1: this is not required for contractual service suppliers or independent professionals sponsored on the T5 (Temporary Worker) International Agreement Worker route.

Note 2: allowances do not count towards the salary threshold or going rate for workers sponsored on the Skilled Worker route, unless an exception applies. See [Sponsor a Skilled Worker](#) for further information.

- e. Any other document set out in the relevant [code of practice](#).

Part 4: skill level for Workers (including Tier 2) and Temporary Workers (including Tier 5)

- a. A detailed and specific job description outlining the duties and responsibilities of the post which must include the skills, qualifications and experience required for the post, if not already provided under [Part 2](#) above.
- b. Copies of any relevant qualifications the worker holds to confirm skill level, such as degree certificate and/or documents that show the worker had the skills and experience to do the job. This could be references from a previous employer or other evidence of experience.

Note: if you stated in your job advertisement that a certain qualification is mandatory for the job, you must retain evidence that the worker you are sponsoring for the role has that qualification.

- c. Copies of any registration and/or professional accreditation documents and/or any confirmation letter the worker is required to have to do their job – for example, where the worker is a doctor, proof of registration with the General Medical Council.
- d. For those coming to the UK under the entourage provisions of the T5 (Temporary Worker) Creative or Sporting Worker route, you must retain details of the worker's technical or specialist skills.

Part 5: for each migrant enrolled under the Student route or Child Student route (including migrants previously enrolled on Tier 4)

- a. Copy of each sponsored migrant's current passport. You must copy all pages showing any personal identity details including biometric details, stamps, or immigration status document including their period of permission to stay in the UK. This must show the migrant's entitlement to study with a licensed sponsor in the UK if the applicant is a non-EEA national or an EEA national who does not have a chipped passport.

EEA nationals (who have a chipped passport) applying under the Student or Child Student routes after the end of the transition period will receive a biometric immigration document in the form of an online immigration status rather than a vignette and a physical BRP, the validity of the Student or Child Student permission will be confirmed on the digital status. They will be subject to the requirements of the Immigration (Biometric Registration) Regulations 2008. An EEA national can prove their status by accessing the following link <https://www.gov.uk/view-prove-immigration-status>. EEA nationals can obtain a share code which can be used to prove an individual's immigration status. Sponsors should record information received from the share code in order to meet the record-keeping requirement.

You must always check the date on which the migrant entered the UK, to ensure they entered during the validity of their Student or Child Student permission and therefore can study. If a student enters the UK before the start date stated on their Student or Child Student permission, they will not have entered on the basis of their Student or Child Student permission and will not be able to commence their studies. They will need to leave the common travel area and re-enter on or after the start date on their Student or Child Student permission to activate their Student or Child Student permission.

If the migrant is an EU national, EEA national or a national of Australia, Canada, Japan, New Zealand, Singapore, South Korea or the United States of America, they may enter the UK through an automated e-Passport gate ('e-Gate') if they hold valid permission confirmed by digital status or a vignette or BRP. In such cases, they will not have an entry stamp in their passport which states the entry date.

If the student does not have an entry stamp, you must still check the date of entry by asking to see other evidence such as, but not limited to, e-tickets or a paper or electronic boarding pass. You must then record that the date the student entered the UK, but do not have to retain evidence of the date of entry.

- b. Copy of the migrant's BRP or digital status. Where the Student or Child Student has digital status, you must keep an electronic copy of the status.
- c. Record of the migrant's absence/attendance, this may be kept either electronically or manually.
- d. A history of the migrant's contact details to include UK residential address, telephone number and mobile telephone number. This must be kept up to date with any changes to these details.
- e. Where the student's course of study requires them to hold an Academic Technology Approval Scheme (ATAS) clearance certificate, you must keep a copy of the certificate or the electronic approval notice received by you, from the Foreign and Commonwealth Office. If the Student is exempt from providing an ATAS certificate due to their nationality, you do not need to request an ATAS certificate from the Student.
- f. If you are a Higher Education Provider (HEP) endorsing a migrant under the Tier 1 Start-up route, you must keep evidence of the selection process that resulted in that endorsement.
- g. For migrants in the Child Student category who are going to be cared for in the UK in a private foster care arrangement during their stay, you must, as soon as you become aware of the migrant's arrival, provide details of the name of the foster carer and of the address where the foster carer and the migrant will be living, to the local authority in whose area the child will be living. In addition, where a Child

Student is already in the UK and a private foster care arrangement subsequently commences, you must provide details of the name of the foster carer and the address where the foster carer and the Child Student will be living, to the local authority in whose area the child will be living as soon as you become aware of the change in their care arrangements. This is to ensure that the local authority is made aware of the arrangement as soon as possible. You must keep a record of the notification to the local authority.

- h. Copies or originals where possible of any evidence assessed by you as part of the process of making an offer to the migrant; this could be copies of references, or examination certificates. Higher Education Providers with a track record of compliance must keep records of the documents used to obtain the offer for their students at degree level or above but these documents do not need to be submitted with the Student's visa application.