

Mock Compliance Visits

Tier 2 or 5 Sponsor Licence? – Weightmans Immigration specialists can carry out mock compliance visits for a fixed price: helping you to prepare for a UKVI visit.

Why do I need a mock compliance visit?

UK Visas and Immigration (UKVI) can and do carry out regular visits to Sponsors who hold a Licence entitling them to sponsor migrant workers to work in the UK.

These compliance visits can be pre-arranged or unannounced.

66% of all visits to existing sponsors in the last 12 months were unannounced (UKVI data, May 2015): meaning that employers need to be sure that their systems and processes comply at all times.

UKVI will take action against employers who breach the rules. In the last 12 months, UKVI revoked 802 Sponsor Licences and suspended 732 Sponsor Licences (UKVI data, May 2015). Having the right systems and processes in place to comply with Sponsor Duties is key. You need to be ready for the knock at the door!

What are Sponsor Duties?

UKVI requires Sponsors to comply with Sponsor Duties as a condition of having a Sponsor Licence.

This involves, for example:

- Having appropriate HR systems and processes in place to ensure that these sponsor duties can be complied with
- Ensuring that appropriate right to work checks are carried out
- Complying with specific record keeping duties
- Reporting certain matters to UKVI within specific timescales.



Elaine McIlroy,
Partner

What happens if I breach Sponsor Duties?

Breaching Sponsor Duties can have serious financial, reputational and operational risks for any business. In the worst case, the Sponsor Licence can be revoked meaning that the business can no longer employ any sponsored workers. That is problematic for any business that sponsors key employees or a significant number of employees.

Financial penalties can be imposed: a fine of £20,000 for each illegal worker. A payment also needs to be made to UKVI if an "action plan" for improvements is needed. Breaching the rules can involve criminal and civil penalties. The reputational issues for any business are obvious.

What happens during a mock compliance visit?

We can tailor the visit to meet the needs of your organisation and provide a fixed price once we have discussed your requirements. Visits would include:

- Training on the 5 areas that UKVI consider during a compliance visit.
- Reviewing your procedures on illegal working checks and reporting on any changes needed.
- Spot checking your HR files to inform you if your system of checks for preventing illegal working is compliant.
- Checking HR records for migrant workers to check if you have sufficient information on file to comply with UKVI record keeping requirements.
- Reviewing your policies on sponsored workers and the way in which you comply with the resident labour market test to report on any improvements that can be made.

Weightmans Immigration specialists

Weightmans immigration specialists form part of the Employment, Pensions and Immigration group at Weightmans. We are recognised in the Legal 500 for our immigration expertise. We have one of the largest employment teams, based in 9 locations across the UK. We are consistently highly rated by the legal directories.

Our immigration specialists are all employment lawyers: meaning that they can advise seamlessly on the immigration and HR issues that may arise from the obligation to comply with Sponsor Duties. We have advised a range of organisations from Universities, Banks, energy companies, to small employers on their immigration responsibilities.

Testimonials

"The 'excellent' team at Weightmans LLP provides a 'high-level of service' to clients such as Royal Mail Group and Littlewoods."

"The team is responsive, comprehensive in its knowledge base, yet succinct in its advice. It also has a real understanding of the public sector."

Legal 500 UK 2014

Chambers & Partners UK 2015

For further information, please don't hesitate to contact a member of our team:



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