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3HR Legal Weekly

Immigration

Home Office Visits

Are you prepared for an unannounced Home Office visit?

The Home Office has published some alarming statistics which confirms they have carried out frequent sponsor compliance visits. About 60% of the post licence visits carried out on Tier 2 sponsor licence holders were unannounced visits. A post-licence visit is one to an already established sponsor; visits can be carried out for numerous reasons including based on the number of migrants sponsored, Home Office intelligence, as part of a sponsor licence renewal application or the Home Office's approach in making regular visits

In the third quarter of 2015 alone, 217 Tier 2 sponsors had their licences suspended and 227 Tier 2 sponsors had their licences revoked. In fact, the Home Office Affairs Committee have made a recommendation to the Home Office to undertake 100% unannounced visits on sponsors where it suspects non-compliance.

With immigration continuing to be a fraught political issue, it is widely expected that the Home Office will increase their focus on immigration compliance. Sponsor licence holders must therefore understand and uphold their duties and responsibilities and to be aware of the adverse consequences for non-compliance.

Many of our clients have found it beneficial to prevent issues by engaging 3HR to conduct a mock sponsorship compliance audit.

What is a mock sponsorship compliance audit?

As part of the audit, we will assess a number of different aspects of compliance, which will include the following:

- Attend your premises to review current HR systems in the key areas of recordkeeping, prevention of illegal employment, monitoring and reporting changes of circumstances, etc.
- Audit personnel files and systems to ensure that mandatory documents and information are retained sufficiently, correctly and securely
- Review your right to work document checking systems and processes, including which documents are acceptable, when documents are checked, how copies are stored, diarising of future checks where required
- Review your systems to ensure that they meet sponsorship requirements such as minimum salary levels and permissible allowances
- Provide a comprehensive audit report identifying business practices that need to be improved with solution-focused advice to show / maintain compliance as part of your ongoing compliance risk management, or an application to renew a licence, add additional Tiers to an existing licence or a first-time application for a licence

The audit is conducted on a transparent fixed fee service.

Will this benefit my organisation?

Most sponsors can expect to receive a visit from the Home Office to audit their practices and procedures at some point during the lifetime of their sponsor licence. Many will in fact experience more than one. You can also expect the visit to be unannounced, meaning that you need to be ready at all times.

A mock audit will be particularly beneficial if any of the following apply to you:

- A significant number of sponsored workers manage core areas of your business and therefore ongoing compliance fitness is crucial to your business
- You are renewing your licence
- You have not had a visit from the Home Office since obtaining a licence
- The Home Office has contacted you to arrange a visit
- You are applying for a licence or add on a tier to an existing licence

Who can I contact for further information?

Please contact your usual consultant or a member of the immigration team.

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