

Welcome!

UKVI Audits

How do you rescue the situation for clients - practically and technically - when faced by a UKVI audit?

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Speaker

KINGSLEY NAPLEY
WHEN IT MATTERS MOST



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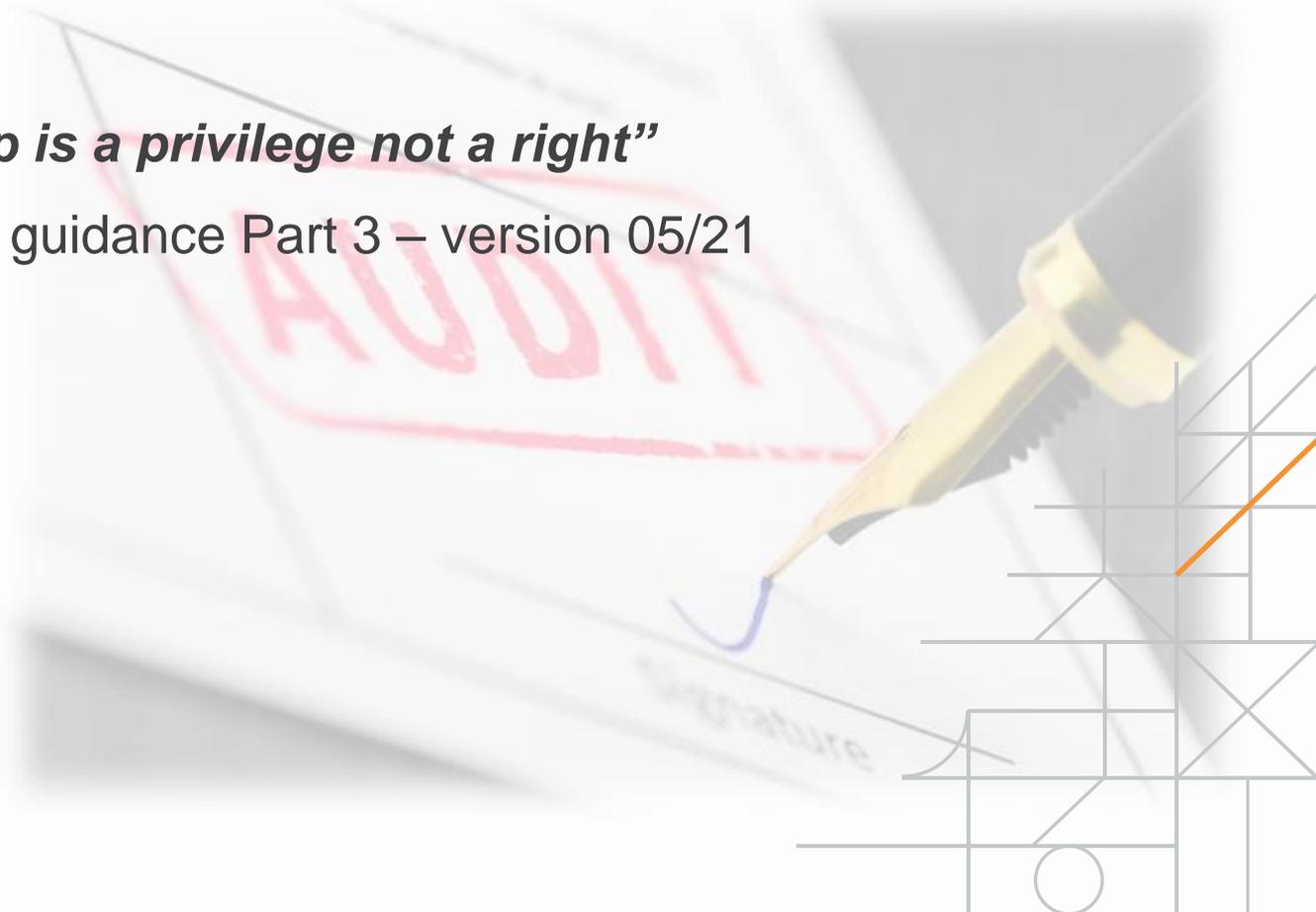
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When and why do sponsors get audited?

“Sponsorship is a privilege not a right”

page 8 of Sponsor guidance Part 3 – version 05/21

- Suspension
- Revocation
- Surrender/ dormant



Compliance visits: pre-arranged

Sponsored worker's files

Record keeping and reporting

Payroll and company documents

Alert sponsored workers of potential interview



Compliance visits: unannounced

Request postponement if AO unavailable

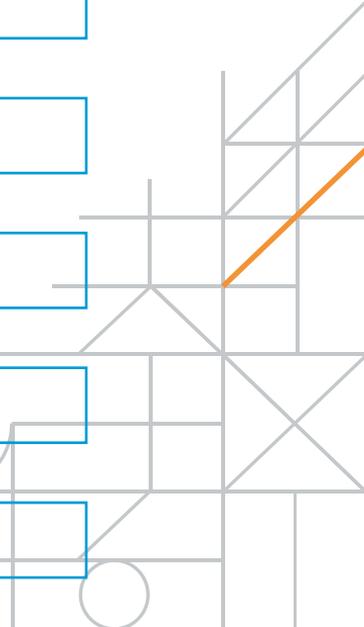
Two people in meeting

Request copy of interview record

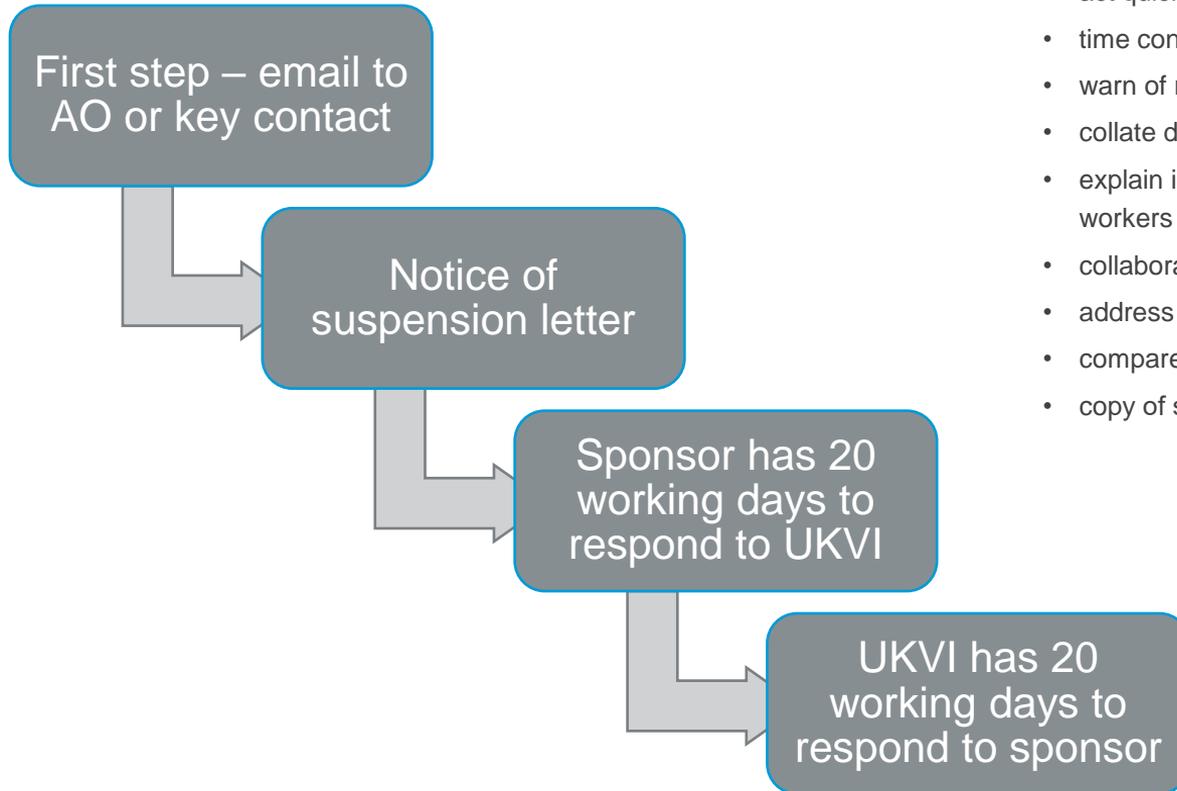
Don't sign interview record or raise complaints during meeting

Agree documents to be provided in writing

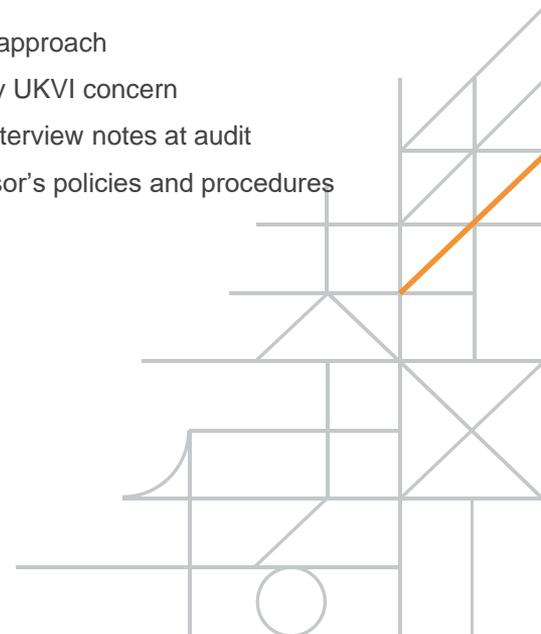
Don't be fooled



What happens if a breach is found?



- act quickly, take legal advice
- time consuming
- warn of risks
- collate documents
- explain impact on business – effect on settled workers
- collaborative approach
- address every UKVI concern
- compare to interview notes at audit
- copy of sponsor's policies and procedures



What does a suspension letter look like?


UK Visas
& Immigration

Sponsor Compliance Unit
UK Visas & Immigration
Home Office
PO Box 3468
Sheffield
S3 8WA

Email:
SponsorComplianceTeam@homeoffice.gsi.gov.uk
Web: www.gov.uk/uk-visas-immigration

Date: [REDACTED]

Sponsor Licence Number: [REDACTED]

Dear [REDACTED]

SUSPENSION FROM THE REGISTER OF LICENSED SPONSORS:

[REDACTED]

1. We visited you on 19 July to assess your suitability as a registered sponsor. During this visit our officer identified a number of issues which have led us to suspend your sponsor licence.

General Sponsor Duties 1

2. You assigned a certificate of sponsorship (CoS) to your sponsored worker [REDACTED] for the position of Chinese language creative manager under standard occupation classification (SOC) code 2473 advertising accounts managers and creative directors. The job description on [REDACTED] CoS is as follows:

- Producing Chinese language reports and articles for web copies and other channels, translating copies from English to Chinese, researching Chinese consumer behaviour, leading the creative strategy behind the monthly content, including monthly themes, franchises and acquisition activity and ensuring every piece of copy ties into and promotes the brands' business goals;
- Essential skills include: fluent written and spoken native Mandarin, creative writing experience, specialist market research knowledge, fluency in English.

3. The sample job description listed under SOC code 2473 at the time [REDACTED] CoS was assigned is as follows:

UK Visas and Immigration is an operational command of the Home Office 



Licence suspension

Effect on sponsor

- Name removed from register
- Cannot assign any further CoS
- Reputational damage
- Restrictions on all personnel associated with the license.

Effect on sponsored workers

- On-going leave – fine
- Leave about to expire- request permission to assign CoS
- Pending Skilled Worker applications held or refused
- Travel – if licence revoked before entry



Potential outcomes

B-rating and action plan

- Minor breaches
- 3 month action plan
- No new CoS
- £1,476 fee
- Only permitted twice during 4 year validity of licence

Revocation of licence Annex C1

- 12 month cooling off period
- No right of appeal
- Public register and damaged reputation
- Sponsored workers' leave curtailed and right to work affected

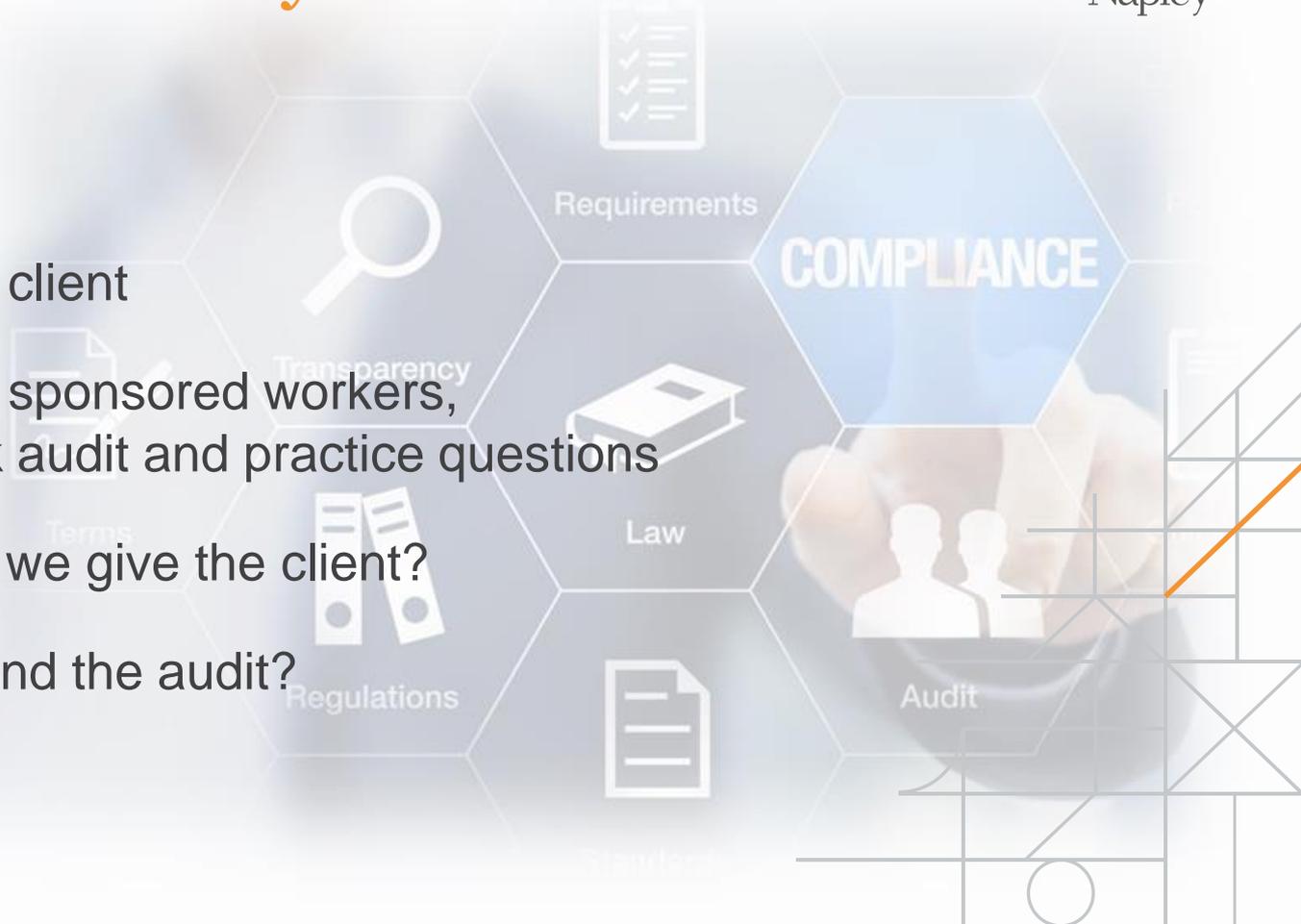
Revocation of licence Annex C2 & C3

- Definitely: salary; skill level; supplying labour; no RLMT; local resident worker; sham
- Maybe: sponsor duties; SMS users and passwords; undefined CoS



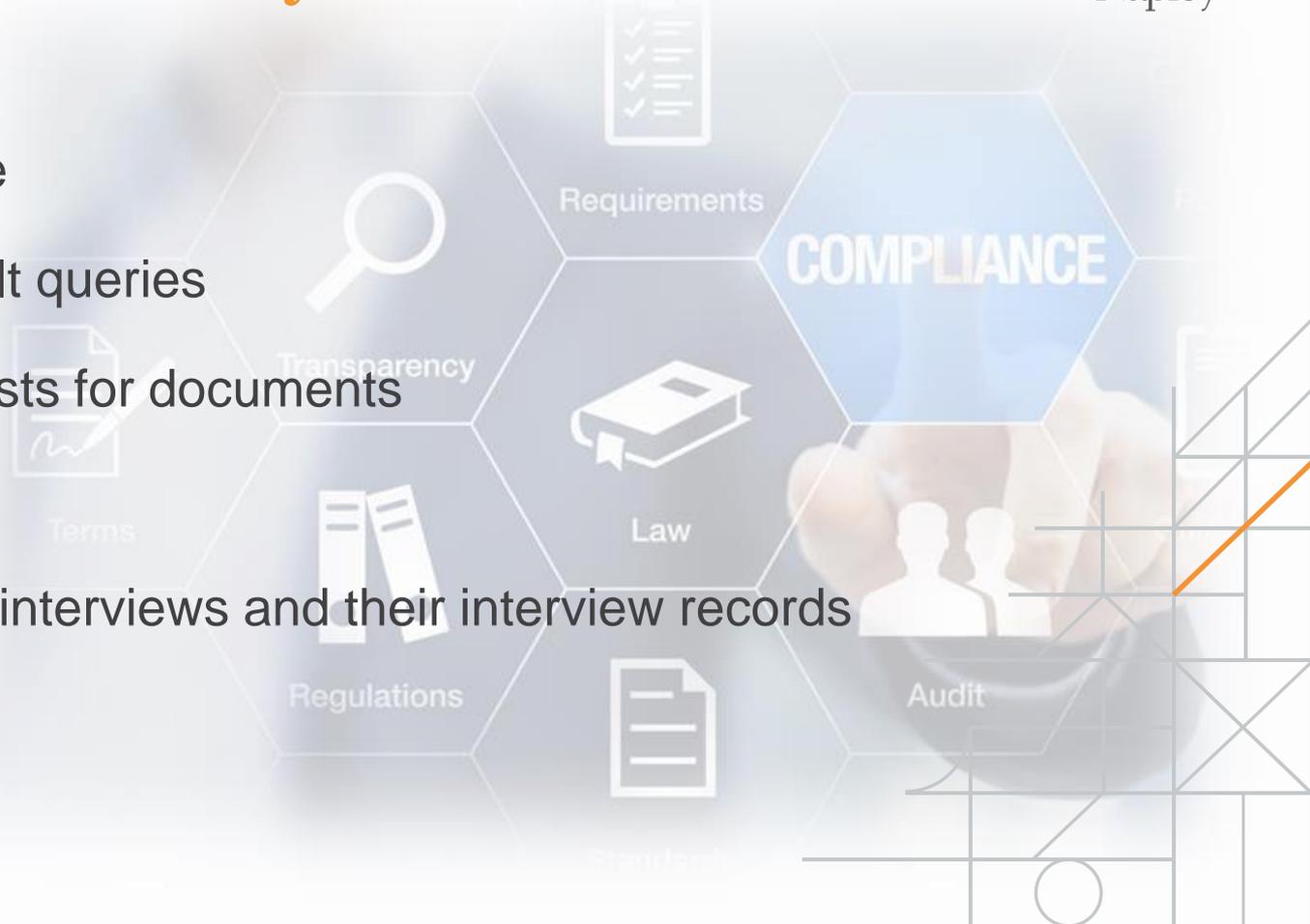
Compliance case study – before the audit

- How it came about
- First steps with the client
- Prep the client and sponsored workers, including any mock audit and practice questions
- What materials did we give the client?
- Will we always attend the audit?



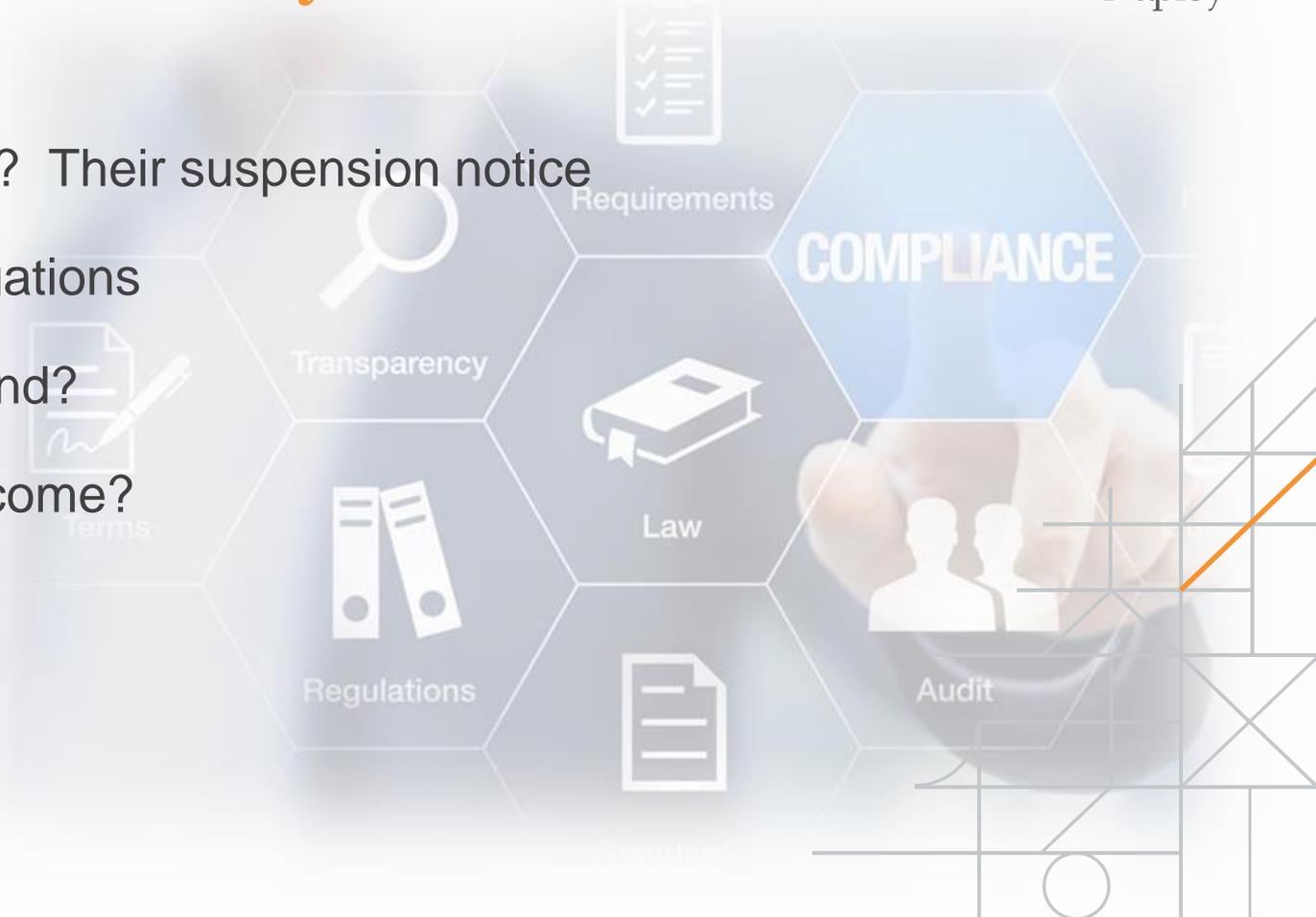
Compliance case study – at the audit

- Approach and style
- Dealing with difficult queries
- Dealing with requests for documents
- Interview records
- Sponsored worker interviews and their interview records



Compliance case study – after the audit

- What did UKVI do? Their suspension notice
- Nature of the allegations
- How did we respond?
- What was the outcome?



Thank you!

These slides and the accompanying presentation and responses to questions have been provided to highlight issues that may be of interest only. They are not intended to provide guidance on which participants should rely without seeking further advice i.e they are not intended to be a substitute for up-to-date, fact specific and comprehensive legal or other professional advice. If you have any questions arising out of the issues raised, contact a member of our team on +44 (0)20 7814 1200 or the speakers directly.

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