



Housekeeping

Thank you for joining us today, due to the number of delegates attending please:



Turn off your camera and microphone.

This webinar will be recorded and shared following this call along with a copy of the slides.



Add any questions or comments in the chat, we will answer as many as we can at the end.

Supporting you with International Recruitment



Welcome

Melanie Weatherley MBE

Regional Project Lead
Chair, Lincolnshire Care Association

Supporting you with International Recruitment

compliance visits

What to expect from a home office visit

Start presentation



Speakers



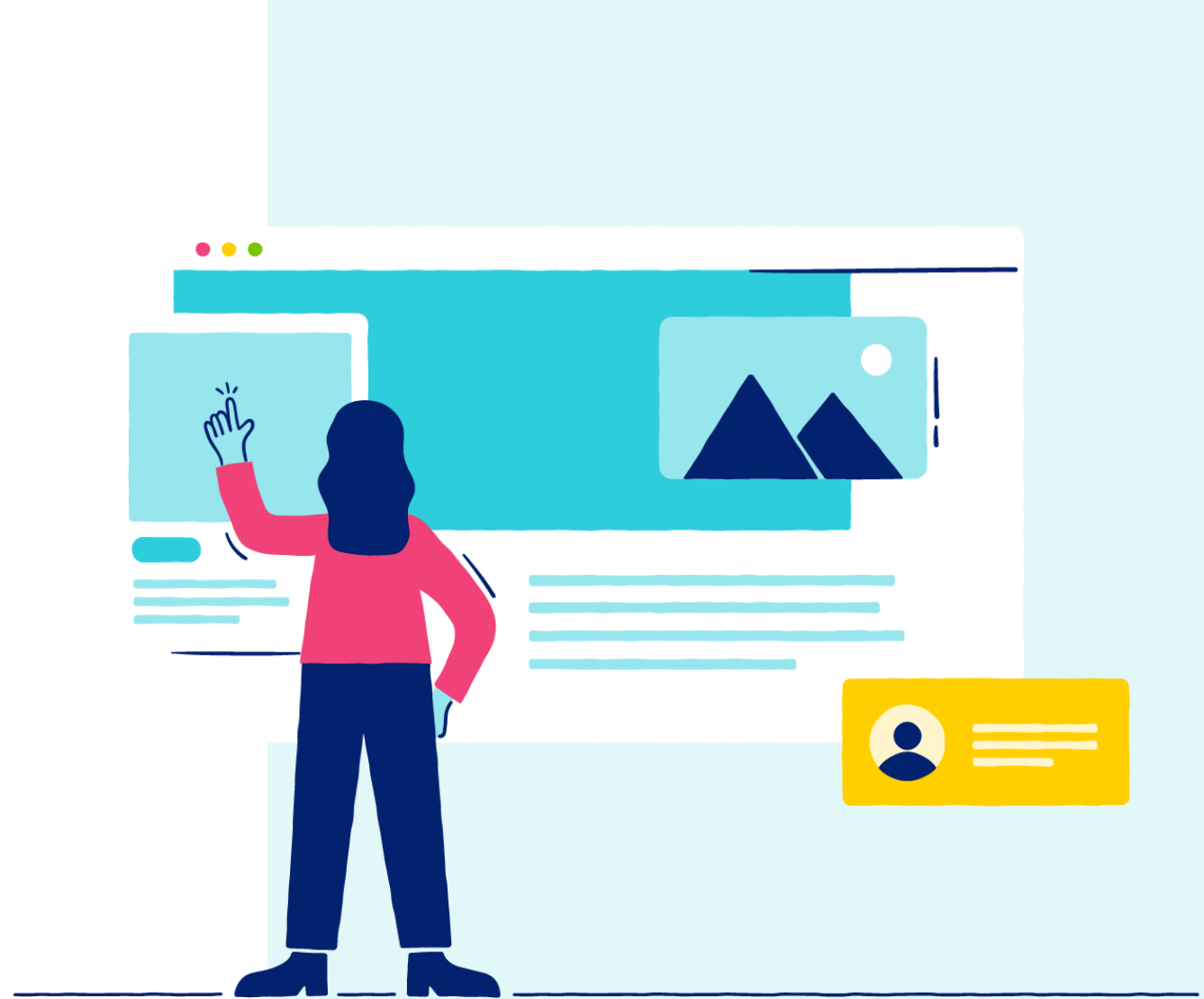
Tom Martin
Solicitor



Emily Hand
Solicitor

Content of the session

- When to expect a compliance visit
- What to expect at a compliance visit
- How to prepare for a compliance visit
- What happens if a Sponsor is found not to be compliant
- How to renew and apply for a Sponsor Licence
Home secretaries recent announcement



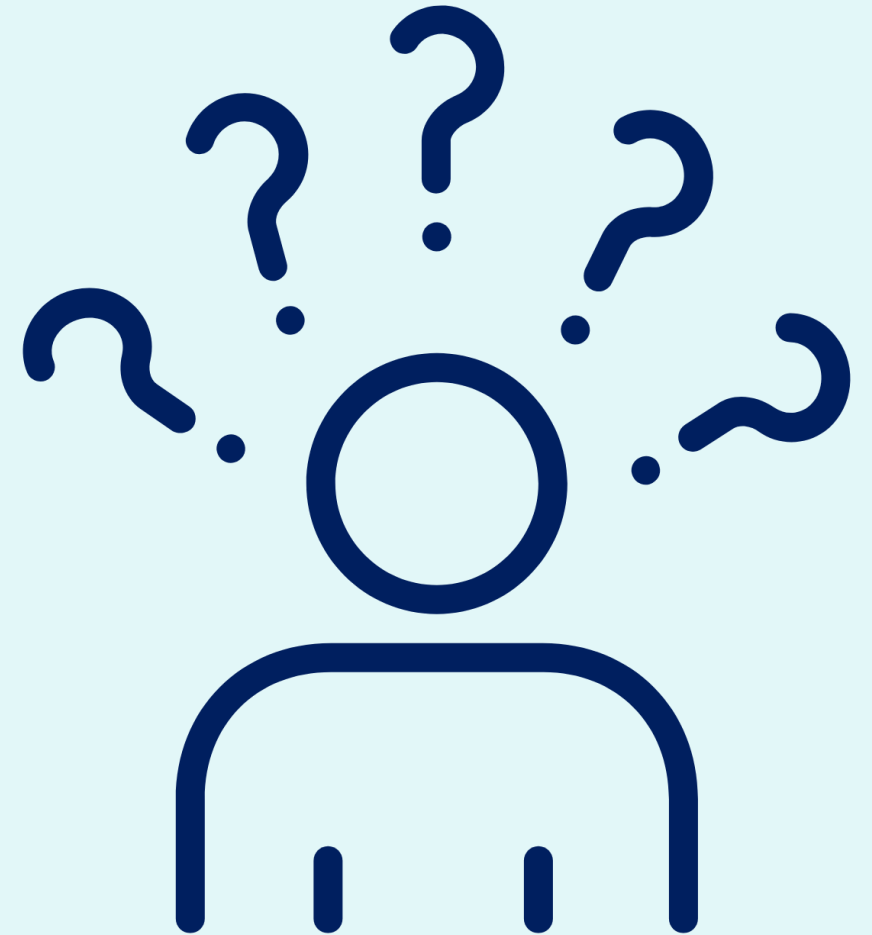
When to expect a compliance visit?

Pre - licence assessments

- Not a pre-requisite of being granted a licence

Post - licence compliance visits

- Visits can be triggered by:
 - Information of concern received about the sponsor from a third party
 - A sponsor issuing lots of certificates of sponsorship
 - A Sponsor applying for a renewal of licence especially where there has been a number of change of circumstance reports in relation to the sponsored workers or the organisation
 - Change of key personnel



Types of compliance visit

Compliance checks can be carried out by:

- Announced in-person visits
- Unannounced in-person visits
- Digital compliance inspections



Purpose of a compliance visit

Sponsor duties

- Reporting duties
- Record keeping duties
- Complying with immigration laws
- Complying with wider UK laws
- Not engaging in behavior or actions that are not conducive to the public good



What to expect at a compliance visit

The compliance officer will:

- Speak to migrant workers
- Speak to key personnel or any employee involved in the recruitment of migrant workers,
- Inspect systems, processes and procedures to ensure sponsor is fulfilling obligations and adhering to immigration rules
- Check documents to ensure record keeping duties are adhered to and information on held by the Home Office accurately reflects the organisation in practice
- Conduct checks on other workers to check right to work compliance.



What to expect at a compliance visit

Record checks

- All documents in accordance with Appendix D
- Review personnel files

Interviewing sponsored workers

- Evidence the sponsored worker works on site
- Check for abuse of worker

Interviewing key personnel

- About the organization
- Genuineness of the job role
- HR systems and processes
- Record keeping and reporting duties



Preparing for a compliance visit

Reporting duties

- Sponsored worker change of circumstances
- Changes to the sponsor organisation

Record keeping duties

- Mandatory documents and records
- Recommended documents as evidence of a genuine job
- Documents must be available upon request

Interviews

- Migrant workers
- Key personnel



Reporting duties

Changes in respect of sponsored worker:

- Delayed work start date
- Authorised absences from work
- Unauthorised absences from work
- Change of role
- Change of job location
- End of sponsorship

Changes in respect of sponsor:

- Changes of details
- Change to size or charitable status
- Any merger, takeover or similar
- Change to key personnel
- Convictions for an immigration offence
- Where the sponsor intends to surrender their licence

Record keeping duties

Documents must evidence:

- Employee details
- Job information
- Recruitment process

Review of personnel files



Interviews

Interview of sponsored workers:

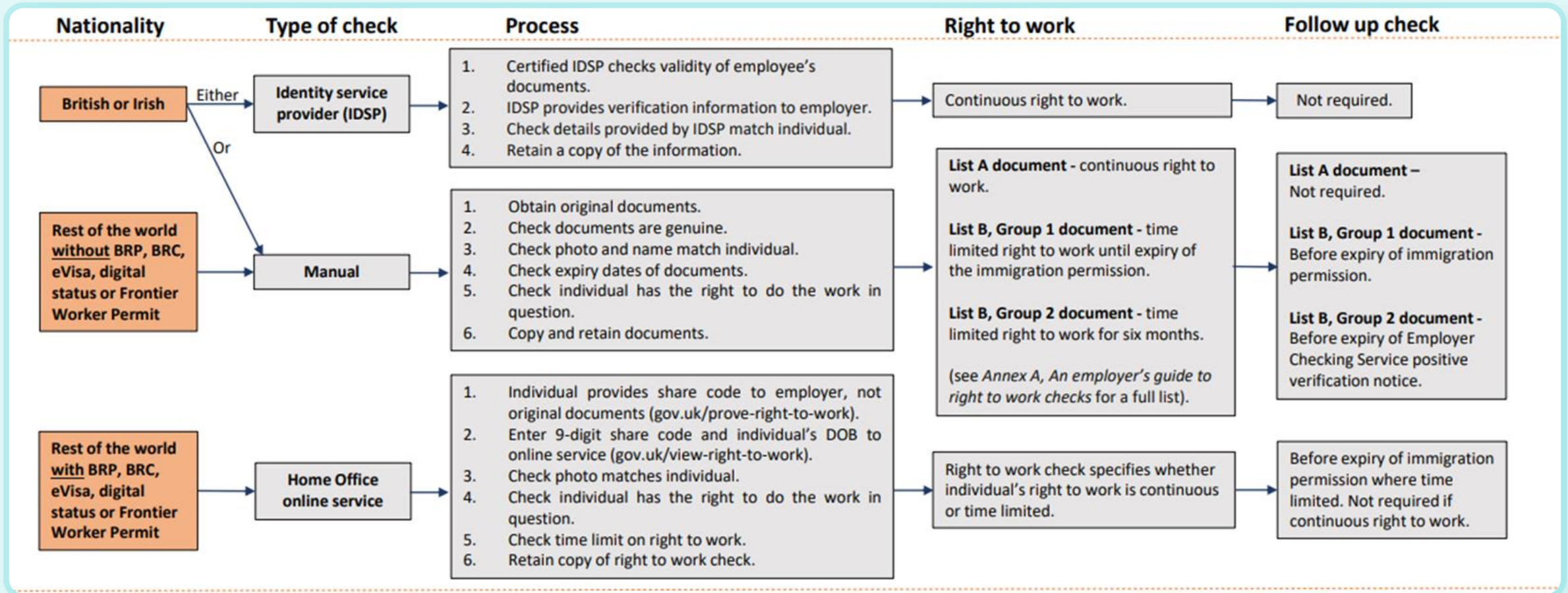
- Proof the worker work at the site listed on the certificate of sponsor
- Check for any abuse of the workers
- Important that the sponsored worker can explain their roles

Interview of key personnel

- Key personnel should be present during the visit:
 - Authorising officer
 - Key contact
 - Level 1 user
 - Level 2 user
- Check for discrepancies between the certificate of sponsor, the sponsor records, the sponsored workers interview and key personnel responses



Immigration laws



Impact of non-compliance

Potential outcomes

- The sponsor licence application will be approved
- The current sponsor licence status will be maintained

OR

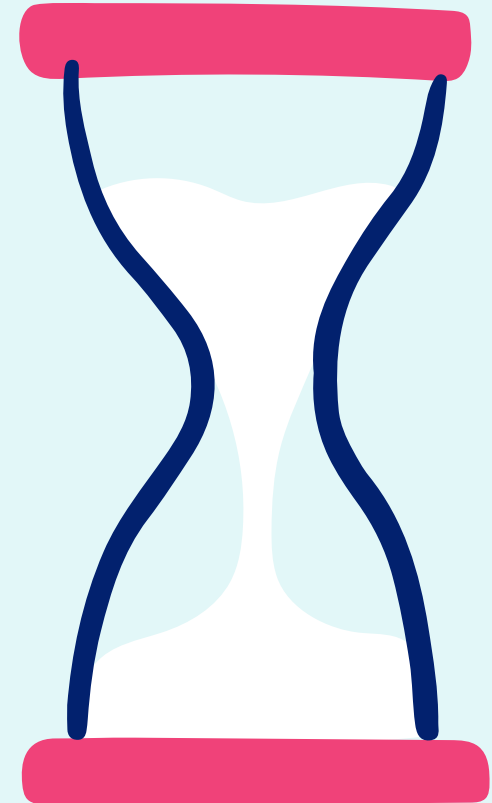
- Refusal of the sponsor licence application
- A sponsor allocation of COSs reduced or removed
- A sponsors rating of their licence downgrade from an A-rating to a B-rating and be placed on a time limited action plan
- A sponsors licence is suspended, pending further enquiries
- A sponsors licence is revoked



Impact of non-compliance

Downgrading

- “A-rating” to a “B-rating”
- Action plan
- 3-month time frame to improve
- A licence will be revoked if improvements are not made within the allocated time frame



Impact of non-compliance

Suspension

- Suspended pending further investigation
- Documents must be sent to the UKVI within **20 working days**
- The sponsor will not be permitted to add any further certificates of sponsor.



Impact of non-compliance

Revocation

- When a sponsor constitutes a serious threat to immigration control
- The certificates of sponsor are effectively cancelled and the sponsored migrations must immediately stop working for the employer and will need to be dismissed.
- 12-month cooling off period.



Licence renewal

- A licence is valid for 4 years
- Can renew up to 90 days before the licence end date
- Must make an application to renew on or before the licence end date
- If not the licence will expire and an application will have to be made for a new licence.

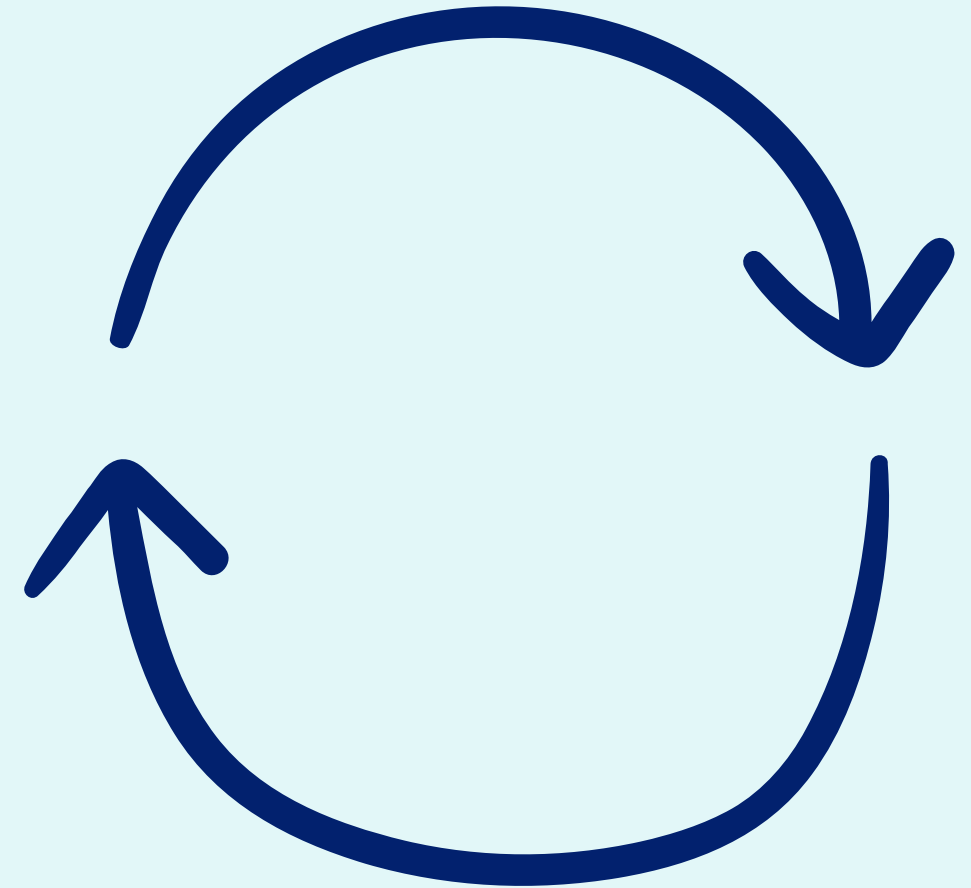


Changes

No set date – expected spring 2024

Reform to the health and care visa

- Overseas care workers will not be allowed to bring their dependants with them to the UK
- Only care providers that are regulated by the Care Quality Commission will be allowed to sponsor migrant workers.



Support

- Applying for a sponsor licence
- Ongoing compliance support
- Specific sponsor licence questions
- Immigration compliance booklet



thank you
Any questions?

Restart presentation

