

Audit and training services for organisations that employ international workers with a UK visa sponsor licence

May 2024





Audit services

Why is compliance important?

Immigration is fast becoming one of the most complex and complicated issues businesses have to deal with. Recruitment of international workers brings various risks with it, financial, organisational, and reputational. Ever-changing rules and procedures make ensuring compliance more difficult.

In the first quarter of 2023 the Home Office issued 346 penalties to UK businesses to the value of over £6 million for employing migrants who did not have the Right to Work. Since 2018, almost 5,000 penalties have been handed down, with a total value of over £88 million.

Equally in the first quarter of this year 193 sponsor licences were suspended (an increase of 103% on the previous quarter) and 179 licences were revoked (an increase of 184% on the previous quarter).

We are seeing a clear upwards trend in Home Office compliance visits, and less of a willingness to 'forgive' employer/sponsor transgressions when it comes to the prevention of illegal working and sponsor compliance.

The time to ensure your organisation will not join the public register of non-compliant employers is now.

How we can help you remain compliant

We know that businesses are keen to get immigration compliance right. Many will have some in-house expertise in relation to visa applications and sponsor compliance; some might even have a dedicated compliance function. However, it is difficult for a business to keep up with the almost weekly changes to the UK's immigration landscape.

We are here to do the heavy lifting for you. Our visa application and compliance experience enables us to evaluate your systems and processes, advise on best practice for your industry/sector, and suggest changes that will make your immigration compliance programme best in class.

Our advice is accessible, practical, and feasible, regardless of where in the organisation you might find yourself.

Organisations' structures, size, and priorities may be diverse, but compliance requirements have a common thread – the need for legal advice which is commercial, proactive and sector aware. We spend time getting to know you, in order to understand how your organisation operates and how we can best support you to reach your objectives. We find out what works for you, how to tweak and, where necessary, amend your ways of working to achieve maximum improvements in your compliance with minimum effort.

What we do for you

We mirror the Home Office's approach to compliance audits. However, while the UK authorities often focus on specific sectors or compliance concerns, we can assess all your existing systems and processes to ensure they are compliant. This will mean we can identify current and potential future issues and suggest solutions that will avoid any issues and significantly reduce the risk of non-compliance.

We support a diverse range of clients, so we have up to date experience of Home Office audits, including an understanding of the questions that will be asked and evidence that will be requested. We can guide you through what to expect during these audits, which can now be undertaken in person or remotely.

We can tailor the scope of the audit to the areas you would like us to investigate. Usually, our audits are undertaken on site, but we can also undertake them remotely. We can undertake file reviews, interviews with those involved in delivering your immigration programme, and evaluate systems and processes to ensure they cover all areas of sponsor, visa, and Right to Work compliance.

During an audit, the Home Office will review files not only of sponsored employees, but also of non-sponsored employees and British national employees. It will also audit your licence maintenance, record keeping and reporting.



I do not believe I would have received a service so tailored to my needs with any other firm. ”

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Scope of our audits

The scope of our audits, and therefore the fees incurred, can be tailored to your specific requirements. Generally, the following components are available to you, and you can decide how many of these you feel would be beneficial for us to audit:

Services available	Scope
Review of sponsored worker files for sponsor document-keeping compliance	<ul style="list-style-type: none"> ✓ Review of Right to Work checks to determine if these were correctly undertaken prior to the start of employment ✓ Review of Right to Work checks at point of visa expiry/renewal ✓ Review of employee contact details records ✓ Review of absences records ✓ Review of pay and salary details ✓ Review of documents relating to the position (employment contract, job description, etc.) ✓ Review of qualifications /professional accreditations/DBS checks (where applicable) ✓ Review of Resident Labour Market Test record keeping requirements (where applicable) ✓ Review of reporting undertaken in relation to a change in the sponsored migrant's circumstances
Review of employee files for Right to Work evidence	<ul style="list-style-type: none"> ✓ Review of Right to Work checks to determine if these were correctly undertaken prior to the start of employment ✓ Review of Right to Work checks at point of visa expiry/renewal

Services available	Scope
Interview of Key Personnel named on the sponsor licence (Authorising Officer, Key Contact, Level 1 user)	<ul style="list-style-type: none"> ✓ Check understanding of role ✓ Check understanding of reporting duties in relation to the business and sponsored migrants ✓ Check understanding of the online Sponsorship Management System ✓ Check understanding of recruitment/HR/immigration processes, procedures, and policies (especially Right to Work)
Interview HR staff dealing with record keeping in relation to, and monitoring of, sponsored employees/Right to Work checks	<ul style="list-style-type: none"> ✓ Check understanding of reporting duties in relation to the business and sponsored migrants ✓ Check understanding of Right to Work processes and procedures
Interview sponsored employee(s) regarding their experience of your organisation as a sponsor	<ul style="list-style-type: none"> ✓ Ask about their onboarding experience (Right to Work checks) ✓ Ask about their general experience of how they feel they are managed as sponsored migrants ✓ Ask about their knowledge of their own visa conditions and restrictions
Review of live processes/ procedures/HR systems and programmes in relation to sponsorship management	<ul style="list-style-type: none"> ✓ Review licence information on the SMS ✓ Review HR systems in relation to sponsor duties ✓ Review Home Office visit protocol

Services available	Scope
Review of live processes/ procedures/HR systems and programmes in relation to Right to Work checks	✓ Review HR systems in relation to Right to Work checks
Review of policies and procedures pertaining to sponsoring migrants, compliance and reporting duties, absence, Right to Work, global mobility, etc.	<ul style="list-style-type: none"> ✓ Review of policy document ✓ Suggestions for improvements/amendments ✓ Ensure compliance with relevant immigration requirements
Report with findings and recommendations	<ul style="list-style-type: none"> ✓ Traffic light report setting out your level of compliance with all relevant UK Immigration Rules and compliance requirements ✓ Suggestions for improvements ✓ Clear guidance on how to remedy any non-compliance discovered
Presentation of findings to management	✓ Attendance of a Birketts team member at a management meeting to talk through the report and answer any questions



Very approachable, so helpful, could not fault. 

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Training services

What we can offer

We believe in a close partnership with our clients and giving you the skills and knowledge to navigate any immigration issues you may face.

We believe in an approach to training which:

- brings the law to life
- is free of jargon
- is easy to digest.

We like to tailor our training sessions to you, your organisation, your sector, and your needs. However, to give you an idea, the following pages contain our key training sessions for those managing immigration and Right to Work matters in their organisations.

Training can be delivered in person or remotely via an online platform. Recordings of the training can be made available for retention on your employer portal at no additional charge and fees are quoted per session (with no cap on the number of attendees at the session).

Whatever your requirements or concerns are, we are here to help you put your mind at ease. If you would like to discuss anything that is not covered in this brochure, please do not hesitate to contact a team member (contact details below).



Birketts is extremely professional, responsive, and helpful. They are experts in immigration law. I have complete confidence in them. ”

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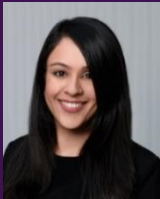
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