



McGILL&CO

# SPONSORSHIP COMPLIANCE FOR EMPLOYERS

Through the sponsorship system, the Home Office entrusts employers with ensuring that immigration laws are complied with. As a licensed sponsor, the Home Office expect you to play your part in ensuring that the system is not abused.

Sponsor duties include:

- To report changes to the organisation and its key personnel
- To monitor the status of sponsored migrants and report changes where appropriate
- To comply with the relevant law and policy, and ensure that all information given is accurate, up to date and transparent
- To ensure adequate records are retained to demonstrate compliance
- To cooperate generally with the Home Office

Behind these broad duties is a significant amount of underlying detail. Even seemingly minor changes, such as a change in a sponsored migrant's location of work or to their core duties, requires a report to be submitted.

In order to ensure that your ability to sponsor foreign worker is not jeopardized it is also necessary to pro-actively manage your Sponsor Management System to ensure that:

- Your licence is renewed prior to expiry
- Your annual allocation of undefined certificates of sponsorship is renewed prior to expiry each year
- At least one Level 1 user is a current employee (where a Level 1 user is due to leave your employment, they must ensure a colleague is added as a user prior to their departure as password sharing is prohibited).

Failure to comply with your duties as an employer and sponsor could result in a number of penalties including: revocation or suspension of your sponsor licence; cancellation of your sponsored workers' visas; downgrading of your sponsor licence from an 'A' rating to a 'B' rating (preventing further sponsorship unless remedial action is taken); civil penalties of up to £20,000 per worker found to be without permission to work; and criminal prosecution for employing illegal workers.

It is therefore important to ensure your sponsorship duties are complied with.

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## SERVICES

**Fixed fee audit for reviewing your organisation's compliance in key areas and providing detailed advice on:**

- Right to work document checking systems
- Compliance with the reporting and record keeping duties contained with the Home Office's sponsor compliance guidance
- Operation of the Sponsor Management System, used to apply for, renew, and assign certificates of sponsorship to migrant workers
- What changes need to be reported to the Home Office

- **Out-sourced responsibility for the management of your Sponsor Management System account, and document retention and review procedures**
- **Liaison with UK Visas and Immigration in respect of licence visits or suspensions, including attendance at compliance visit**
- **Advice and assistance in respect of your global talent requirements, including adding new visa categories to your licence**



### JACK FREELAND

Jack qualified as a Solicitor in September 2020 and works full time from our Edinburgh office. He assists with all matters pertaining to immigration, nationality & asylum law. Having previously completed the LLB (Hons) at the University of Aberdeen, Jack subsequently graduated with a commendation in his LLM International Law & Strategic Studies. Jack joined the firm in 2017 working as a Postgraduate Intern, before returning to university to complete his Diploma in Professional Legal Practice at

the University of Glasgow. Jack commenced his traineeship with the firm in August 2018, providing regular assistance to the solicitors of the firm in a variety of cases. He has since taken a particular interest in family immigration work and British nationality law. Jack is an Affiliate member of the WS Society, and a member of the Scottish Young Lawyer's Association and the Immigration Law Practitioners' Association.

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### JAMES RITCHIE



James joined McGill & Co full time in August 2017. He assists clients with all areas of immigration, asylum, EU residence, and nationality law. He graduated with an LLB from Edinburgh Napier University in 2016 and proceeded to undertake his Diploma in Professional Legal Practice at the University of Edinburgh graduating in late 2017. James presently assists international investors, entrepreneurs, and employers who wish to obtain a sponsorship licence to enable them to recruit foreign migrants.

James has a keen interest in maritime immigration law, and has recently assisted several fishing companies to obtain Skilled Worker sponsor licenses, enabling them to hire foreign crew. James is a member of the Scottish Young Lawyers' Association, JUSTICE Scotland, and the Immigration Law Practitioners' Association.

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