

Immigration compliance audits

Prevention of Illegal Working and sponsorship compliance

The Home Office regime for the Prevention of Illegal Working applies to all UK employers and includes a civil penalty scheme, criminal penalties and restrictions on sponsoring non-EEA nationals to work in the UK. The Home Office is becoming stricter in terms of issuing penalties, and suspension and revocation of sponsor licences. It is essential for UK businesses to ensure they have the required evidence of employees' right to work on file, and that their HR systems and processes are compliant.

What is an immigration compliance audit?

Lewis Silkin's specialist immigration team has developed a new fixed cost audit service.

We will have an initial discussion with you to agree what audit services you require. An audit might include any or all of the following stages:

1. We will provide advice on compliance requirements relevant to you. Depending on your objectives, we may ask you to complete a questionnaire to request information about your current policies and practices for monitoring employees' immigration status, checking documents and keeping records
2. We can attend your premises to check the right to work or sponsorship documentation of your employees. We can review all your employees' files or review a sample of your employees' files
3. We offer a comprehensive report with comments on each area of compliance. This report is invaluable if you are expecting the Home Office to visit your premises. If we have been reviewing files or checking employees' documents, we can provide a spreadsheet detailing our findings and highlighting any points that require further action

4. We can attend official visits by Home Office representatives to your premises.
5. We can provide further audit services on a regular basis to ensure ongoing compliance with Home Office requirements

Will this benefit my organisation?

The Home Office changes the requirements relating to Prevention of Illegal Working and sponsorship frequently. We find that even employers with sophisticated systems make mistakes and are often at risk of being penalised or are jeopardising their ability to sponsor non-EEA nationals to work in the UK.

We believe that a Prevention of Illegal Working and sponsorship compliance audit will be a particularly beneficial exercise if any of the following apply to you:

- You are applying for a sponsor licence
- You are applying to renew your sponsor licence
- The Home Office has contacted you to arrange a visit to your premises
- Your sponsor licence has been downgraded to a level B licence
- You do not currently have Prevention of Illegal Working systems or processes in place
- You have not reviewed your Prevention of Illegal Working systems or processes in some time, or have concerns about their sufficiency
- You have concerns that some of your employees might not have the right to work in the UK, and you are not sure what to do about it
- Your company is a restaurant or catering business
- You are setting up a business

- You are under pressure to ensure your organisation's compliance fitness for the future

What sort of things does the audit look at?

As part of the audit we will consider a number of different aspects of compliance, which might include some or all of the following:

- Right to work document checking systems and processes, including which documents are acceptable, when documents are checked, how copies are annotated and stored, and diarising of further required checks
- Processes to avoid discrimination whilst complying with Prevention of Illegal Working requirements
- Systems addressing sponsorship requirements such as minimum skill levels, minimum salary levels and advertising a vacancy to settled workers first
- Systems addressing sponsors' duty to keep records of recruitment and of ongoing employment on file
- Systems addressing sponsors' duty to report to the Home Office on events relating to the migrant's employment and circumstances and on certain changes to the business itself
- Where appropriate we can provide sample documents, such as new hire checklists, suggest changes to contracts and make suggestions as to how systems can be improved

How much does it cost?

The audit is conducted on a fixed fee basis which we will agree with you in advance. The fee will depend on which audit services are right for your organisation, as well as how many employees' documents or files you would like us to check. We are happy to provide a fixed fee quote after an initial discussion of your objectives, with no obligation.

If you would like comprehensive assistance with a sponsor licence or sponsor licence renewal application, we can provide audit services as part of the application process. In this case, audit fees would comprise part of our fees for assisting with the application, and may be included in the fee estimate offered for that piece of work.

What our clients say

"They are real partners, giving us not just legal advice, but also supporting our wider business needs"

"This 'down-to-earth, friendly' practice has phenomenal strength and depth"

"We always trust the immigration arm of the practice to handle our problems"

Chambers & Partners UK



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