



Home Office

**UK Border
Agency**

**SPONSORSHIP
GUIDANCE**

**Guidance for sponsor
applications
Tier 2, Tier 4 and Tier 5 of the
points based system**

GUIDANCE FOR SPONSOR APPLICATIONS TIER 2, TIER 4 AND TIER 5 OF THE POINTS BASED SYSTEM

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Introduction

1. Anyone wanting to come to or remain in the United Kingdom under the points based system will need to show that he/she meets the requirements of the immigration rules and in particular that he/she has enough points to qualify. Points can be scored in different ways, for example, for qualifications and earnings.
2. However, all migrants will require a sponsor, unless they are applying under the highly skilled tier, known as Tier 1.
3. In most cases, the sponsor will be an organisation or an educational institution in the United Kingdom that wishes to employ the migrant or has accepted him/her onto a course. In order to become a sponsor, the organisation will need to be licensed by us, the UK Border Agency.
4. There are five tiers under the points based system. They are:
 - Tier 1 – Highly skilled individuals to contribute to growth and productivity.
 - Tier 2 – Skilled workers with a job offer to fill gaps in the United Kingdom labour force.
 - Tier 3 – Low-skilled workers needed to fill specific temporary labour shortages.
 - Tier 4 – Students.
 - Tier 5 – Youth mobility and temporary workers, allowed to work in the United Kingdom for a limited period of time to satisfy primarily non-economic objectives.
5. Each tier will consist of a number of categories/sub-categories. Points will be awarded differently according to the individual category/sub-category within each tier. Migrants will need to obtain sufficient points to obtain entry clearance or leave to remain in the United Kingdom within a particular category/sub-category.
6. **Tier 1:** Highly skilled individuals to contribute to growth and productivity:
 - i. Tier 1 (General): offers highly skilled migrants a route to seek work or self-employment in the United Kingdom.
 - ii. Tier 1 (Investor): offers migrants routes to invest in the United Kingdom.
 - iii. Tier 1 (Entrepreneur): offers migrants routes to establish themselves in business in the United Kingdom.
 - iv. Tier 1 (Post-study work): offers students a transitional period on completion of their studies during which they will have free access to the United Kingdom labour market. This is intended to allow them the opportunity to satisfy the requirements of another, more permanent immigration category.
7. **Tier 2:** Skilled workers with a job offer:
 - i. Tier 2 (General) offers a route of employment for medium to highly skilled workers who have received a job offer from a United Kingdom employer.
 - ii. Tier 2 (Intra-company transfer) offers overseas companies a route to transfer medium to highly skilled employees to work for the same company in the United Kingdom.
 - iii. Tier 2 (Ministers of Religion) offers ministers of religion, who have a pastoral role, a route to take up employment within their faith community in the United Kingdom.
 - iv. Tier 2 (Sports people) offers players and highly skilled coaches a route to take up employment in the United Kingdom.
8. **Tier 3:** Low skilled workers:
 - i. Limited numbers of low skilled workers needed to fill specific temporary labour shortages.
9. **Tier 4:** Students:
 - i. Tier 4 (Child student) will allow children between the ages of 4 and 16 to continue to come here to be educated at our independent schools.
 - ii. Tier 4 (General student) for all those wishing to come to the United Kingdom for their post -16 education.
10. **Tier 5:** Youth mobility and temporary workers:
 - i. Tier 5 (Youth mobility scheme) offers young migrants of participating countries opportunities to work temporarily whilst experiencing the diverse culture of the United Kingdom.

ii. Tier 5 (Temporary workers) offers migrants a range of routes reflecting the wide variety of roles required to work temporarily in the United Kingdom.

- a.** Creative and sporting: offers creative artists, sports persons and entertainers a route for short term contracts/engagements in the United Kingdom.
- b.** Religious workers (non pastoral): offers visiting religious workers who have a non-pastoral role a route to take up temporary service in their faith community to fulfil that role in the United Kingdom.
- c.** Charity workers: offers migrants a route to undertake unpaid work in accordance with the aims of their benign or philanthropic sponsor in the United Kingdom.
- d.** Government authorised exchange: offers migrants a route to enable a short term exchange of knowledge and best practice through employment whilst experiencing the wider social and cultural setting of the United Kingdom.
- e.** International agreement: offers migrants who are legally entitled to do so under international law a route to work in United Kingdom for a limited period of time.

11. The licensing of sponsors is a key part of making the system of sponsorship robust. Migrants and sponsors will be subject to tough controls, including those listed below.

- i.** In order to employ or teach migrants in the United Kingdom, an employer or an educational institution will require a licence. No-one will be granted a licence without being approved in advance by us. Licensed sponsors will indicate the migrants they wish us to admit by issuing them with a certificate of sponsorship (see paragraphs 293-324).
- ii.** All migrants who wish to come to the United Kingdom under sponsorship will need to obtain prior entry clearance, with the exception of non-visa nationals (these are people who are nationals of countries for which a visa is not required for travel to the United Kingdom) in the Tier 5 creative and sporting category, who are seeking entry for less than 3 months.

iii. All migrants who require entry clearance will need to provide their fingerprints before getting entry clearance. Migrants seeking to come to or remain in the United Kingdom in Tiers 2 to 5 will need a certificate of sponsorship before applying for entry clearance or leave to remain.

- iv.** A certificate of sponsorship in no way guarantees that entry clearance or leave to remain will be issued. The migrant will need to meet all the requirements of the immigration rules, (<http://www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/>), and if it is not possible to independently verify an application and the documents supporting it, that application will be refused.
- v.** All migrants allowed to come here will need to obtain a biometric identity card, so we know exactly who they are and what they are entitled to do.
- vi.** As a condition of keeping their licence, sponsors will need to comply with certain duties. Any sponsor that does not comply with its duties will risk losing its licence. The duties are set out in detail in paragraphs 325-353.

12. The requirement to have a sponsor does not apply to settled workers¹.

¹ For the purposes of these guidance notes a 'settled worker' is a person who is:

- A national of the United Kingdom;
- A national of Austria, Belgium, Bulgaria*, Cyprus, the Czech Republic*, Denmark, Estonia*, Finland, France, Germany, Greece, Hungary*, Iceland, Republic of Ireland, Italy, Latvia*, Liechtenstein, Lithuania*, Luxembourg, Malta, the Netherlands, Norway, Poland*, Portugal, Romania*, Slovakia*, Slovenia*, Spain, Sweden or Switzerland who is exercising an EC Treaty Right in the UK; *NB – Although not requiring sponsorship, workers from the A8 States and the A2 States, unless exempt from worker authorisation, must be registered on the appropriate scheme (WRS or BaRC respectively) in order to work lawfully. Employers commit an offence by employing A8 and A2 nationals who have failed to comply with the requirements of these schemes;
- British overseas territories citizens, except those from Sovereign Base Areas in Cyprus. (Those included are Anguilla, Bermuda, British Antarctic Territory, British Virgin Islands, British Indian Ocean Islands, Cayman Islands, Falkland Islands and dependencies, Gibraltar, Montserrat, Pitcairn Islands, St. Helena and Dependencies and Turks and Caicos Islands);
- Commonwealth citizens who were allowed to enter or to remain in the United Kingdom on the basis that a grandparent was born here;
- Has settled status in the United Kingdom within the meaning of the Immigration Act 1971, as amended by the Immigration and Asylum Act 1999, and the Nationality, Immigration and Asylum Act 2002.

The principles of sponsorship

13. Sponsorship is based on two fundamental principles:
- i. those who benefit most directly from migration (that is, the employers, educational institutions or other bodies who are bringing in migrants) should play their part in ensuring that the system is not abused; and
 - ii. we need to be sure that those applying to come to the United Kingdom to do a job or to study are eligible to do so and that a reputable employer or educational institution genuinely wishes to take them on.

How the system works

14. To obtain a licence, a prospective sponsor must apply to us, supplying specified documents (listed in Appendix A) to show that it is eligible. We will carry out appropriate checks before deciding whether to grant the licence. We may refuse the application if there is anything in the sponsor body's history or that of the people managing or controlling it, that suggests that it could be a threat to immigration control or that it would be unable or unwilling to carry out its duties.
15. Once licensed, and once the relevant tiers, categories or sub-categories are introduced, the sponsor will be able to issue certificates of sponsorship, which it will allocate to migrants who wish to come to or stay in the United Kingdom to work or study. There will be a limit on the number of certificates of sponsorship each sponsor may issue (see paragraphs 311-314).
16. For migrants, being issued with a certificate of sponsorship is an essential part of qualifying for entry clearance (if they are outside the United Kingdom) or leave to remain (permission to extend their stay while in the United Kingdom). But there are also other requirements set out in the immigration rules that the migrant must meet. The migrant will need to obtain enough points, and is likely to be refused if there is anything in his/her personal or immigration history that suggests that his/her presence in the United Kingdom is not desirable. We will make the final decision about who is allowed to come to or stay in the United Kingdom.
17. Sponsors must comply with certain duties, including a duty to inform us if migrants do not turn up for their job or course, or if they are absent without permission for a significant period. They must also keep proper records of the migrants they have sponsored, including contact details (and, in due course, details of the migrant's ID card) and supply them to us on request.
18. We will monitor sponsors' behaviour and compliance with their duties once they are licensed. In particular we will:
- i. set a limit on the number of certificates of sponsorship it can issue, and review its performance after it has issued a certain number;
 - ii. make visits, pre-arranged or not, to check compliance; and
 - iii. issue civil penalties where we find evidence that the sponsor has been breaching the illegal working regulations. We will also refer for prosecution where appropriate.
19. All sponsors will be rated A or B (see paragraphs 106 to 115) according to our assessment of their ability to fulfil their sponsor duties. A sponsor that is B-rated must comply with a time-limited action plan, which will set out the steps it needs to take in order to gain or regain an A-rating. If the sponsor does not comply with this action plan, it is likely to lose its licence altogether.
20. Where we consider that a sponsor has not been complying with its duties, has been dishonest in its dealings with us or otherwise poses a threat to immigration control, we may withdraw its licence or downgrade it to a B-rating. However, we will give the sponsor an opportunity to explain its case to us before taking any such action.
21. We have introduced, in parallel to this new system of sponsorship, a regime of offences relating to the employment of illegal migrant workers. These measures introduce for the first time a two-pronged approach to tackling illegal working:
- i. a system of civil penalties for those employers who employ illegal migrant workers as a result of negligent recruitment and employment practices; and
 - ii. a tough new criminal offence, which carries a maximum two-year prison sentence and/or an unlimited fine for those employers found to be knowingly employing illegal migrant workers.

Warning: Consequences of employing migrants illegally

22. It is particularly important that employers make sure employees who are not settled workers are entitled to work for them. We take illegal working very seriously, and will impose a range of penalties on those who employ people illegally. These are set out in more detail in paragraphs 384-391.
23. Our visiting officers will be fully trained in identifying and investigating illegal working, and will not hesitate to issue civil penalties or refer cases for prosecution, where appropriate. It is therefore vital that employers and educational institutions comply with the conditions of their licence, and only employ or enrol people who are legally allowed to work here.

After admission to the United Kingdom: the biometric identity card

24. From late 2008, we will start to issue biometric identity cards to people who successfully apply while already in the United Kingdom. Before receiving the card, the migrant will have to give us his/her fingerprints. This will allow us to be sure of the identity and entitlements of everyone who is here under the points-based system. Details of the introduction of identity cards will be available in due course.

How an application should be made

25. Applications for a licence can only be made online, by using the application form on our website at <https://www.points.homeoffice.gov.uk/>. Prospective sponsors should read these guidance notes carefully before applying.
26. Currently sponsors are able to apply for a licence for Tier 2, Tier 4 and Tier 5. We are not taking registration applications for Tier 3. We will notify customers before Tier 3 registration opens by updating our website.
27. The migrant parts of Tiers 2 and 5 will be implemented in autumn 2008. Employers who wish to bring in migrants to work before this date should use the existing work permit arrangements or other categories. Details of these are on our website at <http://www.ukba.homeoffice.gov.uk/workingintheuk/>
28. All applications must be made by the prospective sponsor. A legal representative may help the prospective sponsor, but may not submit the form on the prospective sponsor's behalf. If the legal representative does submit an application on behalf of a prospective sponsor, we will reject the application and return it and any accompanying fee.
29. After submitting the online application, the prospective sponsor must send in the supporting documents and appropriate fee within 10 working days.
30. The application form will take approximately 30 minutes to complete, if the sponsor gathers all the necessary information before starting.
31. If you have any queries about the application process, please contact the Sponsor Licensing Unit by email on sponsorlicensing@ind.homeoffice.gsi.gov.uk

Supporting documents

32. Certain documents are always required (mandatory documents). These are shown in list A. The documents in list B are required (mandatory) for certain types of organisation in certain sectors. We will refuse the application if the prospective sponsor does not provide the appropriate mandatory documents. The documents in list C can be provided in addition to the mandatory documents but cannot replace the mandatory documents. If an organisation is registering as head office and all branches or a group of branches, then they must submit any legal accreditation (for example nursing home – CSCI certificate) for each individual branch within that group.
33. **The prospective sponsor must send the original documents or certified copies.** A certified copy is one that includes a signed statement, either by the issuing authority or by a solicitor or notary, confirming that it is an accurate copy of the original document. Any documents that we request to see that are not in English/Welsh must be accompanied by a certified translation. The translator's credentials should be provided, along with his/her official confirmation that the translation is accurate.

34. We reserve the right to ask for original documents.

35. If the prospective sponsor does not provide us with all the required documents when applying, we will write to request the necessary documents. If the missing documents are not sent within the time allowed, we will refuse the application.

36. We will return the documents to the prospective sponsor by recorded delivery to the address given on the application. If he/she wants the documents to be returned by special delivery, he/she should enclose a prepaid special delivery envelope.

37. We will make further checks if we doubt whether an organisation meets the requirements for the category in which it has applied. We may ask for more documents.

38. On the application form, the prospective sponsor should say under which tiers, categories, or sub-categories it wishes to be licensed. Prospective sponsors can currently apply for a licence for tiers 2, 4 and 5 on the same application form. We will only licence a sponsor to sponsor migrants who are not settled in United Kingdom under the tiers, categories, or sub-categories indicated on the application. If a Tier 2 (Sports people) sponsor wants to bring in migrants who are not settled in United Kingdom under Tier 2 (General), they must apply to extend the scope of their current licence to include an additional tier, category, or sub-category. Alternatively, prospective sponsors may apply for a multi tier licence to cover tiers 2, 4 and 5 at the same time. We will only grant a licence under a specific tiers, categories, or sub-categories, if the prospective sponsor meets the licensing criteria for that tier, category, or sub-category.

Payment guidance

39. Users of the immigration system must meet the costs of licensing.

40. There is a fee for initial applications for a sponsor licence or to renew an existing sponsor licence for tiers 2 to 5.

41. In addition to the licensing fee, a sponsor must pay another fee for each certificate of sponsorship it issues.

42. Full payment guidance is on our website at <http://www.ukba.homeoffice.gov.uk/employers/points/cost/>

Details of sponsoring organisation

Sponsor licence number

43. When an application for a sponsor licence is successful, sponsors will receive a sponsor licence number.

44. Sponsor licence holders must quote the sponsor licence number in all communications with us.

Sponsorship management system

45. Once licensed, a sponsor will have access to the sponsorship management system. This is not yet operating but will begin operating when we introduce Tier 2 and Tier 5, which we expect to do in autumn 2008. The sponsorship management system is an online tool that allows the sponsor to undertake its day-to-day activities under sponsorship, such as issuing certificates of sponsorship.

46. The sponsorship management system will give users two different levels of access, as a level 1 user or level 2 user. The level determines the type of access (permissions) the user has to the system, and this determines the activities the user can undertake on the sponsorship management system. These permissions are described in more detail in paragraphs 53 to 70.

Key personnel

47. The sponsor will need to allocate certain responsibilities to members of its staff. There are four roles:

- authorising officer;
- level 1 user;
- level 2 user; and
- key contact.

48. These roles can all be filled by the same person, by four different people, or a combination of between one and four people. However, it will be possible to appoint additional level 1 and/or level 2 users if necessary. All of these people must be based in the United Kingdom. If the sponsor has contracted their HR function out to a third party

organisation, some of the roles can be allocated to employees within the third party organisation.

49. Of these roles, only the level 1 user and level 2 user will have access to the sponsorship management system. We call a person who has access to the sponsorship management system a “user”.
50. The authorising officer is responsible for the staff who use the sponsorship management system. For example, the authorising officer is responsible for deciding how many staff will have access to the system, what level of permission they will have and what they will be able to do. The level 1 user is responsible for setting up accounts and permissions for the staff members who will access the system.
51. When completing the application form, the authorising officer must decide whether he/she will be the level 1 user or which staff member to appoint to the role.
52. We will make checks on the authorising officer, key contact and level 1 user. These will include checks against our own records and the police national computer, or its equivalent in Northern Ireland. If any of these people have been convicted of a criminal offence, we may refuse the application. If we refuse the application because our records show that the named employees have a criminal conviction, we will explain this in the refusal letter. However, we will not give details of the criminal conviction in that letter.

Authorising officer

53. All organisations applying for a licence must appoint an authorising officer. The sponsor will be held fully responsible for the actions of its authorising officer. Therefore, it should ensure that it gives this position to a senior and competent officer within the organisation.
54. The authorising officer must be a paid staff member or office holder within the sponsor organisation. He/she must not be a contractor, a consultant who is contracted for a specific project, an employee of a third party organisation engaged to deliver the sponsor’s HR function or a temporary staff member supplied by an agency. An organisation with overseas branches can only

appoint an authorising officer based in the United Kingdom branch of the organisation.

55. A sponsor’s legal representative cannot act as its authorising officer. An un-discharged bankrupt cannot act as the authorising officer.
56. The authorising officer will be responsible for the activities of all users of the sponsorship management system, including employees of the organisation and legal representatives. They must comply with our requirements for using the system. If they do not, we will carry out appropriate compliance activity, which may result in the sponsor losing its licence or being downgraded to a B-rating.
57. The role of authorising officer does not have automatic access to the sponsorship management system. If the authorising officer requires access to the system he/she will need to be set up as a level 1 or level 2 user.

Key contact

58. The key contact is the person who will act as the main point of contact between us and the sponsoring organisation. The key contact will be the person we will contact if we have any queries about the application form, the documents submitted or the payment. The key contact must be a paid staff member or office holder within the sponsor organisation. He/she must not be a contractor, a consultant who is contracted for a specific project, an employee of a third party organisation engaged to deliver the sponsor’s HR function or a temporary staff member supplied by an agency. A sponsor’s legal representative can act as its key contact.
59. If the authorising officer does not wish to act as the key contact, another person in the organisation must be appointed to this position. The key contact has no automatic access to the sponsorship management system, but can be set up as a level 1 or level 2 user if the sponsor wishes.
60. The key contact must be based in the United Kingdom. An organisation with overseas branches can only appoint a key contact based in a United Kingdom branch of the organisation.
61. A sponsor’s legal representative may act as its key contact.

Level 1 user

62. The level 1 user will be required to undertake the sponsor's day-to-day activities by using the sponsorship management system. The level 1 user will be able to:
- i. add other users to the sponsorship management system or remove them;
 - ii. assign certificates of sponsorship to migrants;
 - iii. request an increase in the number of certificates of sponsorship that a sponsor can issue (its limit);
 - iv. notify us of minor changes to the sponsor's details;
 - v. complete the change of circumstances form on the sponsorship management system, to ask us to record bigger changes in the sponsor's circumstances;
 - vi. report migrant activity to us (for example, inform us if a migrant goes missing or does not attend his/her job or course);
 - vii. withdraw certificates of sponsorship;
 - viii. surrender a licence;
 - ix. manage work/study addresses;
 - x. export MI;
 - xi. amend user details.
63. On the application form only one level 1 user within the organisation may be specified. If the authorising officer does not wish to perform this role within the sponsorship management system then another person within the organisation must be appointed to act as the level 1 user. However, after obtaining a licence and when the sponsorship management system becomes operational, the sponsor may complete the sponsor change of circumstances form to request additional level 1 users.
64. Based on the structure of the business and its needs, it is up to the sponsor to decide on the number of level 1 users. As the authorising officer is responsible for actions of the users, it is advisable to keep the number of level 1 users to the minimum necessary for effective business operation.
65. The level 1 user must be based in the United Kingdom. If the organisation has overseas branches the authorising officer can only appoint a level 1 user who is based in a United Kingdom branch.

66. The Level 1 user must be a paid staff member or office holder within the sponsor organisation, or an employee of a third party organisation engaged by the sponsor to deliver their HR function. He/she must not be a contractor, a consultant who is contracted for a specific project or a temporary staff member supplied by an agency. A sponsor's legal representative can act as its Level 1 user.

Level 2 users

67. If necessary, the sponsor can appoint as many level 2 users as it wishes. Level 2 users have a more restricted range of permissions than level 1 users. A level 2 user may:
- i. assign certificates of sponsorship to migrants; and
 - ii. report migrant activity to us (for example, inform us if a migrant goes missing, or does not attend his/her job or course).
68. The authorising officer will be held responsible for the actions of all users in the organisation, so it should keep the number of users at a manageable level.
69. Level 2 users must be based in the United Kingdom. If the organisation has overseas branches, the authorising officer can only appoint users who are based in a United Kingdom branch of the organisation.
70. The Level 2 user must be a paid staff member or office holder within the sponsor organisation, or an employee of a third party organisation engaged by the sponsor to deliver their HR function. He/she must not be a contractor, or a consultant who is contracted for a specific project. A sponsor's legal representative can act as its Level 2 user. A member of staff supplied to the sponsor, but employed by an employment agency can be a Level 2 user.

Legal representative

71. A legal representative may not apply for a licence on behalf of a prospective sponsor. A legal representative may help the prospective sponsor, but may not send the application form on the sponsor's behalf. If the legal representative does send an application on behalf of a prospective sponsor, we will reject it.

72. After obtaining a licence, if the sponsor wishes to use the services of a legal representative, they must appoint the legal representative using a sponsor change of circumstances form.

73. If the sponsor wishes a legal representative to help issue certificates of sponsorship, it will need to add the relevant employees of the legal representative to the sponsorship management system as level 1 or level 2 users. **A legal representative based outside the United Kingdom cannot be added to the sponsorship management system.**

74. Any legal representative who is given access to the sponsorship management system must comply with Section 84 of the Immigration and Asylum Act 1999, by:

- being regulated by the Office of the Immigration Services Commissioner (OISC); or
- exempt from the requirement to be regulated; or
- otherwise compliant with Section 84.

Note that anyone compliant with Section 84 through exemption by a ministerial order still has to comply with OISC code of standards. More information on Section 84 and how legal representatives can comply with it is on the OISC website at http://www.oisc.gov.uk/about-us/00-start-about-us.asp#about_04

75. A legal representative cannot act on behalf of the sponsor if it does not fall within one of these categories or is not based in the United Kingdom. If the legal representative is not a solicitor, barrister or legal executive, the prospective sponsor should check that he/she is authorised by the OISC or exempt. An adviser may be committing a criminal offence if he/she acts on behalf of the prospective sponsor without being authorised by the OISC or exempt.

76. A legal representative cannot act as the authorising officer.

77. The sponsor is responsible for all actions of the staff of any legal representatives they have set up as users of the sponsorship management system. If we are considering taking action against a sponsor, we will treat anything done by a legal representative on the sponsor's behalf as if it was done by the sponsor. It is therefore important that sponsors only employ legal representatives who are reputable, honest and competent. They may want

to take precautions including checking the identity of the legal representative and ensuring that he/she is suitable to undertake the activity required. If the sponsor does not comply with its responsibilities, we will carry out the appropriate compliance activity. This may result in the sponsor having its licence withdrawn or downgraded to a B-rating.

78. Once we have accepted a legal representative as acting on behalf of the sponsor, we will give him/her a legal representative's PBS reference number. This should be included, by the legal representative, on all future correspondence made on behalf of a migrant or sponsor. We will also provide a representative's management system, when it becomes operational, so that legal representatives can amend their details. However, the level 1 user is responsible for setting the level of access a legal representative requires to the sponsorship management system.

Authorised immigration advisers

79. Sponsors who are unsure of their legal representative's status should contact the OISC, which has a list of authorised advisers.

By post:

The Office of the Immigration
Services Commissioner (OISC)
5th Floor
Counting House
53 Tooley Street
London
SE1 2QN

By phone: 0845 000 0046
(calls charged at local rate)

By fax: 020 7211 1553

By email: info@oisc.gov.uk

Website: www.oisc.gov.uk

80. The OISC website also has links to websites for solicitors, barristers and legal executives.

How we will consider an application

81. We consider all applications for a licence. A key part of our role is to investigate prospective sponsors to ensure we give licences only to genuine organisations that are likely to comply with their duties.

82. We are likely to refer all applications for a licence for extensive checks that may include an on-site visit by our visiting officers. This is particularly likely if we know very little about an organisation or have any doubt about whether or not it is genuine.

83. Our visiting officers will be trained and equipped to issue civil penalties or refer cases for prosecution if they find evidence of wrongdoing or criminal activity.

The overriding principle

84. When considering a licence application, we will ask three main questions.

i. Is the applicant a genuine organisation operating lawfully in the United Kingdom?

In order to prove this, the prospective sponsor

will need to provide certain documents. These are listed in Appendix A.

ii. Is the applicant dependable and reliable?

In order to judge this, we will look at the history and background of the organisation, its key personnel and of the people who control it. Any history of dishonest conduct or immigration crime will be viewed seriously and may lead to us refusing the application.

iii. Is the applicant capable of carrying out its duties as a sponsor?

We will judge this by looking at the organisation's processes and human resource practices to ensure that it will be able to carry out its duties. If we have significant doubts we may award a B-rating or, in more serious cases, refuse the application.

Registration as a single entity or as a number of branches

85. Sponsors that have a number of different offices, branches, locations or campuses (which we call 'branches' in this guidance) will be able to register in a number of ways, including by:

- i.** applying for a single licence that includes the head office and all branches in the United Kingdom;
- ii.** each branch applying for a separate licence; or
- iii.** grouping a number of branches in a single licence (for example, a chain store might choose to register all its branches in London in a single licence).

86. If a prospective sponsor wishes to register a group of branches using the same application form, it must send in a covering letter listing the names and addresses of all the branches it wishes to include in the group, along with the supporting documents.

87. If a sponsor has registered branches separately, and we subsequently remove the licence from one of those branches, we will not automatically remove the licence from the other branches. However, if a number of branches of the same organisation are individually licensed, and we remove the licence from one of those branches or downgrade the sponsor to a B-rating, we may wish to investigate other branches of the organisation.

88. If the sponsor is licensed as a ‘head office and all United Kingdom branches’ and we remove its licence or downgrade the sponsor to a B-rating, this will apply to all the sponsor’s branches. If we remove this sponsor from the register, none of its branches will be able to sponsor migrants who are not settled in the United Kingdom. If the sponsor has existing migrants who are not settled in the United Kingdom at the time, we will curtail the permission those migrants have to be in the United Kingdom and remove them from the country, because they will no longer be working for or studying with a licensed sponsor.

89. If any of the sponsor’s branches subsequently apply for an individual licence, we will take into account any evidence of previous abuse or non-compliance, and the reasons for it, when we consider the application.

Franchises

90. If an organisation, sole trader or partnership has a number of franchises under its control, it can decide whether to apply for a licence as a ‘head office and all United Kingdom branches’ or have each franchise licensed individually.

91. However, if the franchises are separate businesses, not under the control of the parent organisation, they will need to be licensed as individual sponsors.

Sponsor takeover and/or transfer of employment

92. If a business (or part of a business) at which sponsored migrants work or study transfers from one organisation to another, along with its employees or students, the new owner will need a sponsor’s licence when it takes over. This applies, for example, when the assets of an organisation are bought and the employment of its staff transfers under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE). Further information on TUPE is on the website of the Department for Business, Enterprise and Regulatory Reform at <http://www.berr.gov.uk/employment/trade-union-rights/tupe/page16289.html>

93. If the new employer is not a licensed sponsor, it must apply for a licence within 28 calendar days of taking over the business. If it does not, we are likely to curtail the permission its sponsored migrants have

to stay in the United Kingdom and remove them from the country, because they will not be working for, or studying with, a licensed sponsor.

94. If a licensed sponsor takes over a business that employs or teaches migrants who are not settled in the United Kingdom, that sponsor must inform us, using the sponsor change of circumstances form, that it is now responsible for those migrants whose place of work or study it has taken over. If it does not, the migrants will not have a sponsor and we are likely to curtail their permission to be in the United Kingdom and remove them from the country.

95. We give some examples below of when an organisation should complete the sponsor change of circumstances form to tell us about changes;

i. If an organisation that is registered as a sponsor is taken over by a company that is not on the sponsor register, the existing sponsor must tell us about the takeover within 28 days of it happening.

ii. If an organisation that is not registered as a sponsor is taken over by a company that is on the sponsor register, then the registered sponsor will need to tell us about the takeover within 28 days of it happening.

iii. If both organisations are registered as sponsors, they must both tell us about the changes indicating who has taken responsibility for their respective migrants within 28 days of it happening.

96. Any organisation involved in a takeover may wish to check all records kept for any existing migrants to ensure they are able to fulfil their sponsorship duties.

Criteria for obtaining a licence

97. All applications for sponsorship must meet the criteria for both eligibility and suitability.

Eligibility criteria

98. To confirm that it is eligible to obtain a licence, a prospective sponsor must provide the appropriate supporting documents listed in Appendix A.

99. Our Sponsor Licensing Unit will verify these documents to ensure that the organisation is genuine and has an operating or trading presence in the United Kingdom. If the organisation can provide genuine documents of the appropriate type, this will

be enough to meet this requirement. We will then test the suitability criteria.

Checks we will make

100. We will use methods such as risk assessments to guide our compliance activity so that we focus visits and other activity on the areas of highest risk to the system. If we know little about an organisation or are concerned about the evidence it provides, we will refer any application for a licence by that organisation for further checks that may include an on-site visit.

101. We will ask for a variety of verifiable documents to enable us to consider the application. We may want to check any documents sent to support the application. Therefore the organisation must only provide the evidence as described in Appendix A, so that it can be independently verified.

102. Our Sponsor Licensing Unit will make further checks in the circumstances listed below;

- i.** Quality assurance checks – we will make a quality assurance check on a certain percentage of applications.
- ii.** Allegations – if we receive an allegation that an organisation has made a false application.
- iii.** Additional checks – if we have reasonable doubts about an application or the documents sent with the application.

Procedure for checks

103. The procedures for checks will be similar overall, but will vary from case to case. It may involve:

- i.** checking details or the correctness or genuineness of documents with other government departments (in the United Kingdom and overseas); and
- ii.** checking the accuracy and genuineness of documents with the issuing organisation, such as banks, universities and professional bodies.

Standard procedure for verifying documents

104. The procedure for verifying documents will be:

- i.** the Sponsor Licensing Unit will use a standard form to record the results of enquiries, to ensure we record any feedback consistently;

ii. if the Sponsor Licensing Unit cannot obtain an immediate answer to enquiries, it will normally wait for a maximum of four weeks for the necessary information;

iii. the Sponsor Licensing Unit may request that a visiting officer visits the organisation.

Outcome of checks

105. There are three possible outcomes of these checks.

i. Document confirmed as genuine: If we are able to conclude that the document is genuine, we will consider the application as normal.

ii. Document confirmed as being false: If we are able to conclude that a document is false, we will refuse the application, whether or not the document is essential to the application.

iii. Check inconclusive: If we are unable to verify that the document is either genuine or false we will not use the document as evidence.

Suitability criteria

106. The suitability criteria will determine whether we give the sponsor an A-rating or B-rating, refuse its application or remove its licence. They may also affect the limit and review points we set for certificates of sponsorship it issues (see paragraphs 311-317).

107. To meet the suitability criteria we must be satisfied that:

- i.** the sponsor has effective human resource systems in place (more information is on our website at <http://www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/HRandcompliance/>);
- ii.** the sponsor has not been given a civil penalty for immigration offences;
- iii.** the authorising officer, level 1 user and key contact does not have any criminal convictions in their name for any of the offences, listed in Appendix B (convictions which are spent under the Rehabilitation of Offenders Act 1974, will not be taken into account). Any other unspent² convictions could also lead to an application being refused; and

² A conviction is described as unspent if the rehabilitation period associated with it has not yet lapsed. A rehabilitation period is a set length of time from the date of conviction, according to the sentence imposed.

iv. we do not have any evidence of previous non-compliance.

Scoring system

108. When deciding the suitability of an application we will assess the sponsor against the above factors and use the following scoring system.

109. The only scores a prospective sponsor can be given for criminal convictions are 1 (no convictions) or 3 (one or more convictions found). If a member of the sponsor's staff who has access to the sponsorship management system is found to have an unspent criminal conviction for an offence listed in Appendix B, the prospective sponsor will receive a 3 marking. Any other unspent convictions could also lead to a 3 marking.

110. However, we will give a score of 1, 2 or 3 for human resource systems 107 (i), civil penalties 107 (ii) and non-compliance 107 (iv). We mark these as shown below;

- 1 - meets all of the criteria.
- 2 - meets only some of the criteria.
- 3 - does not meet any of the criteria.

111. We will give an A-rating if an organisation receives a 1 score in all of the above categories and there are no other reasons for granting a B-rating or refusing the application.

112. We will give a B-rating if an organisation receives a 2 score in any of the above categories and there are no other reasons for refusing the application.

113. We are likely to refuse the application if an organisation receives a 3 score in any of the above categories.

114. It may also be possible for an organisation to get an A or B-rating if it receives a 1 or 2 for receipt of a civil penalty or for non-compliance but receives a 3 in human resource systems. In such cases, the visiting officer may still be able to recommend an A or B-rating with an action plan, which will last a maximum of 12 months but with review points every three months.

115. Further information on how we assess suitability is on our website at <http://www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/sponsorsandratings/>

Tier specific requirements

116. Before a migrant can apply to come to or remain in the United Kingdom to work or study, he/she will require a sponsor. The sponsor will be an organisation or educational institution in the United Kingdom that wishes to employ or teach a migrant. Sponsorship plays two main roles in the application process:

- i.** it provides evidence that the migrant will fill a genuine vacancy in the United Kingdom that cannot be filled with a suitably qualified or skilled settled worker or study for an approved qualification; and
- ii.** it involves a pledge from the sponsor that it will accept the duties of sponsoring the migrant.

117. All migrants who wish to come to the United Kingdom under sponsorship will need to obtain prior entry clearance, with the exception of non-visa nationals in the Tier 5 creative and sporting category, who are seeking entry for less than 3 months. Migrants using Tiers 2 to 5 will not be able to apply for entry clearance or leave to remain without a certificate of sponsorship. However, a certificate of sponsorship will not guarantee an entry clearance or leave to remain application being granted. It is therefore advisable that before you issue a certificate of sponsorship you ensure that the migrant will meet the requirements for entry clearance or leave to remain. Further information on the exact requirements for migrants will be available on our website at <http://www.ukba.homeoffice.gov.uk/workingintheuk/howchangesaffectyou/>

118. A certificate of sponsorship acts as a confirmation from a licensed sponsor that it wishes to bring a migrant to the United Kingdom and that to the best of its knowledge that person meets the rules for the issue of the certificate of sponsorship. We will make the final decision on who is allowed to travel or remain here. This will be based on the requirements of the immigration rules, including whether the applicant has enough points.

119. We will consider an application to join the sponsor register by assessing whether it meets the requirements below. The prospective sponsor must:

- i.** complete the appropriate online application form;
- ii.** pay the correct fee;

iii. provide proof that it is based in the United Kingdom (see Appendix A for supporting documents);

iv. be able to provide original or certified copies of the documents listed in Appendix A, unless we say otherwise, to establish that it is genuine and operating or trading lawfully in the United Kingdom;

v. meets the suitability criteria as set out in paragraphs 106-107;

vi. show there are no reasons to believe that it represents a threat to immigration control; and

vii. agree to comply with the duties of sponsorship.

120. Applications for a licence are only successful when they meet all the above requirements. Those that do not will be refused. However, if the sponsor does not pay the correct fee, we will not consider the application. We will reject and return it with any accompanying fee.

Tier 2 – Skilled workers

Tier 2 (General)

121. The skilled migrant Tier 2 (General) is aimed at enabling United Kingdom employers to employ nationals from outside the resident workforce to fill a particular job that cannot be filled by a settled worker. When Tier 2 is introduced, the current work permit arrangements will be abolished. We expect to introduce it in autumn 2008.

122. An employer who wishes to employ migrants before Tier 2 is introduced will need to use the existing work permit arrangements or other routes. More information on these is on our website at <http://www.ukba.homeoffice.gov.uk/workingintheuk/>

123. To obtain a licence under Tier 2 (General), the prospective sponsor must meet the requirements set out in paragraph 119. It should send in the required documents, as specified in Appendix A, within 10 working days of sending the online application form.

124. Before issuing a certificate of sponsorship the sponsor must ensure that:

- the job must be at skill level of S/NVQ 3 or above;

- the job passes the resident labour market test or is on the shortage occupation list or is an intra-company transfer; and
- the migrant will be paid a salary and/or other allowances at the appropriate rate.

Shortage occupations

125. Shortage occupations are ones for which there are not enough resident workers to fill available jobs in particular sectors. Where a migrant is applying to enter the United Kingdom to fill a job in a shortage occupation, they will receive sufficient points to proceed without reference to their prospective earnings or qualifications.

126. The Migration Advisory Committee (MAC) will make recommendations about shortage occupations and we will publish a list of them on our website at <http://www.ukba.homeoffice.gov.uk>, when it becomes available.

127. The list will be updated periodically.

Resident labour market test - Tier 2

128. We recognise that it may be necessary for a sponsor to recruit a migrant from outside the resident work force to fill a particular vacancy that cannot be filled by a settled worker and that is not on the list of shortage occupation. However, this will only be possible if the sponsor has completed the resident labour market test and can show that no suitably qualified settled worker is available to fill the vacancy.

129. The sponsor must have advertised the vacancy as agreed in a code of practice specific to the type of sector/job. The codes of practice can be found on our website at www.ukba.homeoffice.gov.uk. If there is no code of practice for the sector/job you are looking for at the time of advertising, you must advertise the job using jobcentre plus.

130. The vacancy must have been advertised to settled workers. If the salary for the vacancy is £40,000 or under it must be advertised for a minimum of 2 weeks. If the salary for the vacancy is over £40,000 it must be advertised for a minimum of one week. However, Tier 2 Ministers of Religion posts must be advertised for a minimum of 2 weeks irrespective of the earnings. The period of advertising of one/two

weeks starts from the date the advertisement first appears.

Requirements for resident labour market test - Tier 2

131. When undertaking the resident labour market test, the sponsor must always use the medium suggested in the code of practice, the advertisement must include:

- job title;
- the main duties and responsibilities of the job (job description);
- the location of the job;
- an indication of the salary package or salary range or terms on offer;
- skills, qualifications and experience required; and
- the closing date for applications, unless it is part of the organisation's rolling recruitment programme.

132. A certificate of sponsorship must be issued within six months of the advertisement being placed. This ensures that the results of the advertising reflect the current availability of the skills the sponsor requires.

133. The sponsor cannot refuse to employ a settled worker only because he/she lacks qualifications, experience or skills (including language skills) that were not specifically requested in the job advertisement.

134. A resident labour market test will not be required where a migrant has permission to stay in the United Kingdom under Tier 1 (Post-study work) and wishes to switch into Tier 2 and has been employed in the United Kingdom for a continuous period of at least six months with the same sponsor, working in the same job, directly prior to the application being made. Please see our website <http://www.ukba.homeoffice.gov.uk/workingintheuk/tier1/poststudy/> for Tier 1 guidance.

135. If a sponsor is recruiting a named researcher under Tier 2 (General), they will need to provide the peer reviewed funding agreement as evidence of the resident labour market test.

136. For each recruitment method, when the sponsor has undertaken the resident labour market test, they must keep the documents stipulated in Appendix D. Please also refer to the sections on keeping

documents, extensions and change of employment for further information on the resident labour market test.

Resident labour market test method - Tier 2

137. When a sponsor issues a certificate of sponsorship on the sponsorship management system it is required to confirm that:

- i.** it has conducted a resident labour market test and cannot fill the post with a settled worker; or
- ii.** the test does not apply to the post. This test will not apply where the job is on the list of shortage occupations or if the job is an intra-company transfer or if the migrant is switching from Tier 1 (post-study work) (see paragraph 134).

National newspaper or professional journal

138. If the code of practice specifies this, the post may be advertised using a professional journal or the employment section of a national newspaper.

139. A national newspaper is one that is available throughout the United Kingdom from a majority of newsagents. The Scotsman and The Herald are acceptable as suitable national newspapers for vacancies in Scotland and will also be acceptable for the bordering counties of England. The Western Mail for posts in Wales and the Belfast Telegraph for posts in Northern Ireland are accepted as national advertising too.

140. A professional journal is one that is published for that particular field and is available nationally either at a majority of newsagents or through subscription.

Milkround (annual recruitment programme)

141. If the code of practice specifies this, the sponsor may recruit using a milkround. 'Milkround' is the name popularly given to the annual recruitment programme by which sponsors from a wide range of industrial and commercial sectors visit universities to give presentations and/or interview students, usually as part of university careers fairs. Sponsors using the milkround must visit a minimum of 3 European Economic Area universities.

Recruitment agency

142. If the code of practice specifies this, the sponsor may use an agency who are registered with the REC (Recruitment and Employment Confederation), to help in the recruitment. The agency may recruit for the post either by advertising in jobcentre plus or as specified in the code of practice.

Internet

143. If the code of practice specifies this, the sponsor may use the internet to advertise a job. The internet site the sponsor can use will be specified in the code of practice.

144. If the sponsoring organisation is a multi-national/global company or a large organisation with over 250 permanent employees in the United Kingdom, it can advertise the post on the employers own website. This will not be acceptable for small or medium sized organisations as defined in the application form.

Head-hunters

145. If the code of practice specifies this, the sponsor may employ the services of a head-hunter to fill a position within the organisation. The head-hunter may recruit for the post either using jobcentre plus, a national newspaper or professional journal or identify potential candidates through market research.

Skill level

146. A job must be at S/NVQ level 3 or above to be considered for Tier 2 (General) or Tier 2 (Intra-company transfer). This is to ensure that it is a skilled job.

147. To avoid confusion about which jobs are at this level, and for those that do not meet the skill level, and for those that are borderline, we will publish three lists of occupations on our website at <http://www.ukba.homeoffice.gov.uk>. Further guidance will be provided to sponsors for jobs which are borderline.

148. For each migrant, you must keep the documents stipulated in Appendix D to prove skill level. Please also refer to the sections on keeping documents,

extensions and change of employment for further information on the skill level.

Appropriate rate

- 149.** All migrants must be paid an appropriate salary rate to ensure that they will not undercut the domestic labour market.
- 150.** Sponsors can assess the appropriate rate by using the information provided within the list of occupations (see paragraph 147).
- 151.** When assessing the salary package, the allowances that can be taken into account and included towards the overall salary package will be published in the code of practice. However, for migrants coming under intra company transfers the accepted allowances will be published on our website in August 2008, before the tier goes live.
- 152.** Under the requirements of the resident labour market test, all jobs must be advertised at the appropriate rate of pay for that job to ensure that there has been a genuine attempt to fill the vacancy with a resident worker. Migrants, when taken on, must be paid at least the rate advertised.
- 153.** For each migrant, you must keep the documents stipulated in Appendix D to prove that you are paying the appropriate rate. Please also refer to the section on keeping documents.

Tier 2 (Intra-company transfers)

- 154.** Intra-company transfers are for employees of multinational companies who are being transferred by an overseas employer to a skilled post in a related United Kingdom entity.
- 155.** In order to sponsor migrants under intra-company transfer an entity must show that it has a direct link by common ownership or control with the overseas entities from which it intends to bring migrants to the United Kingdom. Common ownership or control may be shown if:
- i.** one entity controls the composition of the other entity's board; or
 - ii.** one entity is in a position to cast, or control the casting of, more than half the maximum number of votes that might be cast at a general meeting of the other entity; or

- iii.** one entity holds more than half the issued share capital of the other entity (excluding any part of that issued share capital that carries no right to participate beyond a specified amount in a distribution of either profits or capital); or
 - iv.** both entities have a common parent entity that itself or through other entities meets one of the requirements of (i) to (iii) above in relation to both entities that are the subject of the intra company transfer; or
 - v.** one entity is related to the other entity as both entities are party to a joint venture agreement; or
 - vi.** one entity is related to the other entity in that one entity is party to a joint venture agreement and the other entity is the entity formed by that joint venture agreement; or
 - vii.** one entity is related to the other entity by agreement that would constitute a joint venture agreement other than for the fact that joint venture agreements are not permitted in the country of operation or one of the entities is not permitted to enter into joint ventures in the country of operation; or
 - viii.** one entity is related to the other entity in that one entity is party to an agreement that would constitute a joint venture agreement other than for the fact that joint venture agreements are not permitted in the country of operation or that entity is not permitted to enter into joint ventures in the country of operation and the other entity is the entity formed by that agreement; or
 - ix.** where both entities are either accountancy or law firms, one entity is related to the other entity by agreement which allows both entities to use a trademark which is registered or established under the laws of the UK and the jurisdiction of the other entity's country of operation; or
 - x.** where both entities are either accountancy or law firms, one entity is related to the other entity by agreement which allows both entities to operate under the same name in the UK and in the jurisdiction of the other entity's country of operation.
- 156.** The fact that an individual owns shares in two or more companies will not be enough for us to consider an application under the intra-company transfer category.

157. The prospective sponsor must provide the supporting documents listed in Appendix A to confirm the link between the overseas entity and the sponsoring organisation.

158. The sponsor authorised to issue certificates of sponsorship under the intra-company transfer category must confirm at the time of its licence application that it will comply with the intra-company transfer requirements.

159. Because of the specific nature of these transfers, we do not require the employer to carry out a resident labour market test. However, migrants coming to the United Kingdom on intra-company transfer must have been working overseas for the sponsoring organisation for at least six months directly prior to their transfer. The migrant should not be directly replacing a settled worker.

160. The job or offer must be at or above S/NVQ level 3. While in the United Kingdom, they must earn a salary or other package of remuneration that is appropriate for that job in the United Kingdom. This may include specific allowances that we recognise as appropriate. See paragraph 146-153 for further information on skill level and appropriate rate.

161. For each migrant, you must keep the documents stipulated in Appendix D to prove that the migrant meets the skill level and you are paying the appropriate rate. Please also refer to the section on keeping documents.

Tier 2 (Ministers of Religion)

162. This category is for those coming to fill vacancies as religious workers within recognised religions. When Tier 2 (Ministers of Religion) is introduced, the previous arrangements for ministers of religion, missionaries and members of religious orders will be abolished.

163. Tier 2 (Ministers of Religion) category includes anyone who ministers, whether regularly or on an ad-hoc occasion, and/or performs pastoral duties. Pastoral duties include:

- i.** leading worship regularly and on special occasions;
- ii.** providing religious education for children and adults by preaching or teaching;

- iii.** officiating at marriages, funerals and other special services;
- iv.** offering counselling and welfare support to members of the congregation;
- v.** recruiting, training and co-ordinating the work of any local volunteers and lay preachers.

164. Workers under this category may undertake a wider range of other duties in addition to the above. Tier 5 will cover migrants coming to work temporarily in the United Kingdom as religious workers in a non-pastoral role, where the duties include performing religious rites but not any of the duties mentioned in paragraph 163.

165. This category is also for migrants coming to work in the United Kingdom as:

- i.** a missionary; or
- ii.** a member of a religious order such as a monastic community of monks/nuns or a similar religious community involving a permanent commitment.

166. The duties of a missionary need not be restricted to preaching and teaching and may include the organisation of missionary activity, but should not be essentially administrative or clerical in nature, unless filling a senior post. Thus, they may not be doing fieldwork themselves but will be supervising staff and/or co-ordinating the organisation of missionary work, or will be in charge of a particular activity such as accounts/finance, personnel management or IT. Working full-time as a teacher in a school run by a church or missionary organisation does not count as missionary work, but translating religious texts is missionary work not clerical work.

167. The work of a member of a religious order must be within the order itself, or outside work directed by the order. Teachers working in schools not maintained by their order must apply as a teacher under Tier 2 (General). Novices whose training consists of taking part in the daily community life of their order may apply under this category, but anyone studying for a qualification, a formal full-time course of study or training in an academic institution not maintained by the order should apply under the student category (or Tier 4, when it becomes operational). People who are not members of a religious order, but who are working or studying within such a community, are not eligible

to apply under this category and must satisfy the requirements of the relevant work or study category.

168. Migrants will require a valid certificate of sponsorship, issued for this category, by a sponsor licensed by us. There are also requirements for maintenance (available funds) and competence in English.

Sponsorship for Ministers of Religion

169. Migrants under this category will need to be sponsored by an institution licensed by us to issue certificates of sponsorship under this category.

170. Therefore, those wishing to recruit a migrant in a religious capacity must apply to us for a licence as a sponsor under this category and provide documents as listed in Appendix A.

171. Sponsors wishing to apply for a licence under this category must be a bona fide religious institution, which:

- i.** is a registered, excepted or exempt United Kingdom charity according to the relevant charity legislation in force in its part of the United Kingdom, or is an ecclesiastical corporation (either corporation sole or body corporate) established for charitable purposes. In Northern Ireland the organisation must have obtained charitable status for tax purposes from HM Revenue and Customs. Charities who are not registered according to the relevant charity legislation must explain the reason for non-registration in their application for a sponsor licence; and
- ii.** is the structure for a faith-based community with a common system of belief and spiritual goals, codes of behaviour and religious practice, which exists to support and/or propagate those common beliefs and practices and where such beliefs:
 - a. include** any religious belief or similar philosophical belief in something transcendental, metaphysical or ultimate;
 - b. exclude** any philosophical or political belief concerned with man, unless that belief is similar to religious belief; and
- iii.** does not exclude from its community on the basis of gender, nationality or ethnicity; and

iv. receives financial and material support for its core religious ministry from its congregation or community on a voluntary basis only, without promise or coercion; and

- v.** does not breach, or encourage others to breach any United Kingdom legislation; and
- vi.** does not operate against the public interest, or in a way that has a detrimental effect on personal or family life as these are commonly understood in the United Kingdom.

172. A sponsor that issues a certificate of sponsorship under this sub-category is confirming a number of things, as shown below.

- i.** The sponsor guarantees that the migrant:
 - a.** is qualified to do the job in question – for example, is an ordained minister of religion, where ordination is prescribed by a religious faith as the sole means of entering the ministry; or missionaries who have been trained as missionaries, or have worked as missionaries and are being sent to the United Kingdom by overseas organisations to work full-time as a missionary;
 - b.** intends to be based in the United Kingdom for the duration of his/her permission to stay; and
 - c.** will comply with the conditions of his/her permission to stay.
- ii.** The sponsor provides an undertaking that it will accept the duties of sponsorship for the migrant.
- iii.** The sponsor provides an undertaking to support the migrant through funds and/or accommodation that are sufficient for them to maintain themselves throughout the duration of the certificate of sponsorship, and are equal or exceed those normally given to a ‘resident worker’ within the organisation. Migrants who are unable to support themselves could face financial hardship because they will not have access to most state benefits.
- iv.** The sponsor confirms that the migrant will not be displacing or denying an employment opportunity to a suitably qualified member of the resident labour force. Either:
 - a.** The sponsor must have undertaken an appropriate resident labour market test for the role. The resident labour market test requires that, before a migrant can be recruited to fill a job, that job must have been advertised as agreed in a code of practice, to ensure the

migrant will fill a genuine vacancy that cannot be filled with a suitably qualified member of the resident labour force; or

- b.** Where a resident labour market test is inappropriate and has not been undertaken, the migrant must be additional to the sponsor's normal staffing requirements. They must not be filling a position that would otherwise need to be filled by a resident worker.

173. For each migrant, the sponsor must keep the documents stipulated in Appendix D. Please also refer to the section on keeping documents.

Tier 2 (Sports people)

174. This category is for elite sports people and coaches who are internationally established at the highest level, whose employment will make a significant contribution to the development of their sport at the highest level in the United Kingdom, and who intend to base themselves in the United Kingdom.

175. When Tier 2 (sports people) is introduced, the previous work permit arrangements for sports people will be abolished.

176. Migrants will require a valid certificate of sponsorship issued for this category by a sponsor licensed by us.

Sponsorship for sports people

177. Migrants under this category will need to be sponsored by a club (or equivalent) that is licensed by us to issue certificates of sponsorship under this category.

178. Applications for a licence under this category must be accompanied by documents listed in Appendix A and be accompanied by an approval / unique identifier from the relevant governing body for the sport. A governing body is one that is recognised by one of the home country sports councils (for example Sport England). We will publish a list of the approved governing bodies on our website <http://www.ukba.homeoffice.gov.uk>

179. If a sport does not have a governing body recognised by the home country sports councils, we will ask the sports councils and other relevant

sporting bodies (for example CCPR (Central Council of Physical Recreation), which is the national alliance of governing and legal representative bodies of sport and recreation) whether there is an appropriate body. Information on this procedure will be available on our website in due course.

180. In giving its approval the governing body will be confirming that application is from a genuine club (or equivalent).

181. Prospective sponsors for Tier 2 (sports people) can only tick one sport on the application form. For example, if a sponsor wishes to sponsor migrants under football and rugby, he/she will need to tick one sport on the form and when giving their reasons for the number of certificates of sponsorship required, the prospective sponsor will need to list the other sports to be covered in that licence and provide the appropriate governing body endorsement for each of these sports.

182. If a sport does not appear on the list on the application form, please contact the Sponsor Licensing Unit.

183. Where a certificate of sponsorship is issued under this category, the sponsor guarantees that the migrant:

- i.** intends to be based in the United Kingdom for the duration of his/her permission to stay;
- ii.** has been approved by the governing body for the sport; and
- iii.** will comply with the conditions of his/her permission to stay and leave the United Kingdom when it expires.

184. The sponsor is also giving an undertaking that it will accept the duties of sponsorship for the migrant.

185. All migrants in this category must have the approval of the appropriate governing body for their sport (officially known as an endorsement). This endorsement will confirm that the sports person meets the code of practice as agreed between us and the sporting body and also confirm that:

- i.** the migrant is internationally established at the highest level; and
- ii.** the migrant will make a significant contribution to the development of their sport at the highest level in the United Kingdom; and

iii. it is appropriate to fill the post with a migrant who is not settled in United Kingdom.

186. For each migrant, you must keep the documents stipulated in Appendix D. Please also refer to the section on keeping documents.

187. Further details of the criteria migrants must meet are in the Tier 2 (skilled workers) migrant statement of intent on our website at: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/managingourborders/pbsdocs/>. Before Tier 2 is introduced in autumn 2008, we will provide further guidance for migrants.

Football loans

188. When a player goes on loan, the original club needs to notify us via the sponsorship management system, providing the change of location, as loan players are not employed by the loan club but are in essence 'contracted out' by the original club.

189. The original club will keep all their sponsorship duties and will need to make arrangements with the loan club so that the original club can continue to meet their duties. When the player then returns back from loan, the original club will need to update sponsorship management system again with the new location details.

190. If the player is permanently transferred to another club, then the original club will have to notify us of this using the sponsorship management system. The new club will need to be a licensed sponsor and issue a certificate of sponsorship and follow change of employment rules.

Tier 3 – Low-skilled workers

191. This category is for limited numbers of low-skilled workers needed to fill specific temporary labour shortages. To become licensed to sponsor migrants under Tier 3, a prospective sponsor must have approval from us to run a scheme to bring low-skilled workers to the United Kingdom. **Tier 3 is currently suspended for the foreseeable future.**

Tier 4 – Students

192. A Tier 4 sponsor is an educational institution that provides courses of study for students. In order to obtain a licence as a Tier 4 sponsor,

private educational institutions will need to provide evidence that they hold valid accreditation from an accreditation body approved by us, or that they have passed an inspection by the Office for Standards in Education (Ofsted). Institutions operating within the system of publicly funded inspections, audits and reviews will not require any additional accreditation but will need to show evidence that they have passed such an inspection. We will be consulting with key stakeholders on the implementation of these important changes. We will publish an implementation plan in October 2008.

193. The two categories under Tier 4 will be child student which will allow children between the ages of 4 and 16 to continue to come here to be educated at our independent schools; and the general student category for all those wishing to come to the UK for their post -16 education. When giving the reasons for the number of certificates of sponsorship required, the prospective sponsor will need to indicate the category under which they wish to register in Tier 4 and submit the appropriate documents as listed in Appendix A to prove they are a bona fide institution.

194. If an educational institution requires a licence under Tier 2 (General), Tier 2 (Intra-company transfer), Tier 4 or Tier 5 (Government authorised exchange), it will need to meet all of the requirements for the relevant tier as well as meeting the requirements specified here and submit the required documents listed in Appendix A.

195. Educational institutions will need to show that they have been inspected, audited or are subject to review by an appropriate body, hold valid accreditation as outlined below or offer short-term "study abroad" programmes in their own premises in the United Kingdom.

- i. Institutions that are subject to the system of reviews undertaken by the following bodies will need to show that they have been inspected or audited by one of the bodies listed below:
 - a. Quality Assurance Agency for Higher Education (United Kingdom-wide)
 - b. Office for Standards in Education (Ofsted)
 - c. Her Majesty's Inspectorate of Education (Scotland)
 - d. Estyn (Wales)
 - e. Education and Training Inspectorate (Northern Ireland)
 - f. Independent Schools Inspectorate (ISI).

ii. Institutions outside the system of reviews will need to show that they hold valid accreditation from an accreditation body approved by us or that they have passed an inspection by Office for Standards in Education (Ofsted);

- a.** Ofsted;
- b.** Accreditation UK – a British Council scheme that offers an accreditation service for English language schools;
- c.** the British Accreditation Council (BAC), which offers a more general accreditation service to cover a wide range of different educational institutions and their courses; and
- d.** the Accreditation Service for International Colleges (ASIC), which also offers a general accreditation service to cover a wide range of different educational establishments and their courses.

iii. Low risk overseas higher education institutions, who offer only part of their programmes in the United Kingdom, will be exempt from the need to be accredited. This concession extends only to those overseas institutions that offer short-term “study abroad” programmes in their own premises in the United Kingdom to students who are enrolled in their home country and who come to the United Kingdom for one or two semesters before returning home to complete their degree courses (which need to be equivalent to a United Kingdom degree). Such institutions will still need to obtain a licence, by providing the following to prove that they are a bona fide institution:

- a.** that they hold overseas accreditation which can be confirmed by NARIC (the national agency responsible for providing information and expert opinion on vocational, academic and professional skills and qualifications from over 180 countries worldwide) as offering degree programmes which are equivalent to United Kingdom degree level qualifications; and
- b.** that they only teach part of their programmes in the United Kingdom, for example, their students are enrolled on full-time degree programmes at the overseas university and study only part of their overall degree

programme in the United Kingdom before returning overseas to complete their studies; and

- c.** that they have full legal control of the premises they use.

196. NB. Overseas higher education institution’s that offer study abroad programmes on a franchise basis via a third party in the United Kingdom will need to ensure that their contractor is accredited (see i and ii above for accepted accreditation) in the United Kingdom.

197. If an educational institution does not have a valid accreditation from one of the above bodies or is not exempt from accreditation, we will refuse its application because it does not meet the requirements.

198. Procedures are in place for the accrediting body to inform us promptly when an institution’s accreditation is removed and to act quickly to check institutions when our staff report concerns. A sponsor that requires accreditation who subsequently loses that accreditation will have its licence withdrawn.

199. Short-term students may come to the United Kingdom under the student visitor category. Student visitors will not be required to obtain a certificate of sponsorship. Visitor conditions apply to such students which means they cannot extend their stay when in the United Kingdom and they have no entitlement to work. If an institution only aims to attract student visitors it will not be required to be licensed as a sponsor but, private education providers seeking to attract student visitors will be required to hold valid accreditation. Further information on student visitors can be found on our website.

200. Prospective Students who have not yet finalised their study plans can seek to obtain an entry clearance as a prospective student. This route will also remain outside the Points-Based System and requires the student to obtain a mandatory entry clearance in this category before coming to the United Kingdom. Leave is granted for up to 6 months with no permission to work and allows the prospective student to come to the United Kingdom to visit a number of institutions for which they have received offers of a place to study and make up their mind in the United Kingdom. They can then switch

into the student category whilst still in the United Kingdom, provided they obtain the appropriate confirmation of acceptance for studies from their chosen sponsor and meet the other requirements of the student route.

201. For each migrant, you must keep the documents stipulated in Appendix D. Please also refer to the section on keeping documents.

202. Further details are available in the statement of intent for Tier 4 on our website at www.ukba.homeoffice.gov.uk

Tier 5 – Youth mobility scheme and temporary workers

203. Tier 5 comprises the youth mobility scheme and temporary worker categories, which will allow people to travel to the United Kingdom for mainly non-economic reasons.

204. Youth mobility scheme is a cultural exchange scheme which aims to promote the United Kingdom overseas, as those using them return home and encourage further trade and tourism.

205. Allowing certain types of temporary worker to come to the United Kingdom helps to satisfy cultural, charitable, religious or international aims.

206. Sponsors who need only temporary service from a migrant who would not meet the Tier 2 conditions might be able to register under Tier 5. For example, this might include religious workers in a non-pastoral role.

Tier 5 (Youth mobility scheme)

207. The youth mobility scheme offers young migrants from participating countries opportunities to work temporarily while experiencing life in the United Kingdom.

208. The youth mobility scheme will allow young people to travel to the United Kingdom for mainly non-economic reasons. Sponsored young people from participating countries will be allowed to come to the United Kingdom for up to two years, while young United Kingdom nationals enjoy similar opportunities in participating countries. These young people will be free to do whatever work they like during their stay in the United Kingdom, except

for setting up their own business, professional sport, or work as a doctor in training.

209. The sponsors under the youth mobility scheme are the national governments of the participating countries and not individual employers or sponsors.

210. Further information on the scheme and the requirements migrants must meet to come to the United Kingdom under it are in the statement of intent (Temporary workers and youth mobility under the points-based system) on our website at: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/managingourborders/pbsdocs/>

Tier 5 (Temporary workers)

211. The temporary worker category offers migrants a range of ways to come to the United Kingdom, to reflect the wide variety of roles required to work temporarily in the United Kingdom.

Tier 5 (Temporary workers) – Creative and sporting

212. This category is for those who come to the United Kingdom to work or perform as sports people, entertainers or creative artists for up to 12 months. It does not cover individuals who currently enter the United Kingdom under the permit-free concessions for entertainers, including permit-free festivals, and sportspeople. These concessions will be brought within the immigration rules under the revised visitor categories. Details on how the new visitor category will work will be published on our website in due course.

213. Migrants entering the United Kingdom under the creative and sporting sub-category will be granted a maximum of 12 months' permission to stay. Their dependants will be allowed to work if they are accompanying or joining them in the United Kingdom.

214. Individuals entering the United Kingdom under the creative and sporting sub-category must obtain entry clearance prior to travelling to the United Kingdom. The exception to this will be for non-visa nationals seeking entry to the United Kingdom for a period of less than three months. These migrants will be issued with a certificate of sponsorship number and an additional process will be introduced to enable them to gain entry at the

port. (More information about this process will be available in autumn 2008). Separate arrangements, consistent with the principles of sponsorship, will enable appropriate checks to be made at the port of entry. These arrangements will be further outlined in guidance.

215. In order to gain a licence as a sponsor of sports people, the prospective sponsor must be a sporting body, sports club, events organiser or other organiser operating, or intending to operate in the sporting sector and submit the necessary documents as listed in Appendix A. An agent cannot be a sponsor under Tier 5 sporting sub-category.

216. This sub-category is for sportspeople who are internationally established at the highest level in their sport and/or whose employment will make a significant contribution to the development and operation of that particular sport in this country; and for coaches who must be suitably qualified to fulfil the role in question. Though Tier 5 sporting migrants do not require a governing body endorsement to gain entry clearance or leave to remain, the sponsor must ensure that they follow the criteria set for Tier 5 sport before issuing a certificate of sponsorship.

217. If a sport does not have a governing body recognised by the home country sports councils, we will ask the sports councils and other relevant sporting bodies (for example CCPR (Central Council of Physical Recreation), which is the national alliance of governing and legal representative bodies of sport and recreation) whether there is an appropriate body. Information on this procedure will be available on our website in due course.

218. Sponsors under Tier 5 sport can apply for a licence for more than one sport using the same application. For example, if a sponsor wishes to sponsor migrants under football and rugby, he will need to tick one sport on the form and when giving his reasons for the number of certificates of sponsorship required, he will need to list the other sports to be covered in that licence.

219. In order to gain a licence as a sponsor of creative workers and their entourage, the prospective sponsor must be operating, or intend to operate, in the creative sector. Examples include a national body, event organiser, producer, venue, agent or other similar organisation. Where applicable, the

prospective sponsor must commit to following the codes of practice for taking into account the needs of the resident labour market in that field. The codes of practice will operate in three specific areas: dance, theatre, and film & television. These will be published on our website at www.ukba.homeoffice.gov.uk

220. Before a sponsor issues a certificate of sponsorship in these fields, they must follow the relevant code of practice and they will be asked to confirm this when they issue a certificate of sponsorship.

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233. The sponsor must keep the documents stipulated in Appendix D. Please also refer to the sections on keeping documents, extensions and change of employment for further information.

234. Due to the nature of the creative sector, at times a migrant is required to perform a number of engagements at various venues. If the migrant has a single sponsor, for example an agent, and there is no more than a maximum of fourteen calendar days between each engagement that sponsor can issue a single certificate of sponsorship to cover the whole period. However, if this is not the case and the migrant is sponsored by the individual venues, producers or promoters, then it is still possible for

each sponsor to issue a certificate of sponsorship to cover its own show. These certificates of sponsorship must not overlap. If there is no more than a maximum of fourteen calendar days between each engagement, then entry clearance will be granted to cover the whole period. However, if there is a gap of more than fourteen calendar days between engagements in either of the scenarios mentioned above, then this will not be possible and the migrant will have to leave the United Kingdom and apply for entry clearance again.

235. These certificates of sponsorship can include any rehearsal periods required. A sponsor must ensure that they issue certificates of sponsorship only for the period required. If it is found on a compliance visit that a certificate has been issued wrongly, we will take appropriate action against the sponsor.

236. A sponsor may choose to issue a multiple entry certificate of sponsorship if there are engagements abroad.

237. The sponsor may also issue a group certificate of sponsorship where it is appropriate to do so.

238. When a sponsor issues a certificate of sponsorship in either the creative or sporting sector, it is guaranteeing that the migrant:

- i.** is seeking entry to the United Kingdom to work or perform in the relevant sector;
- ii.** is not intending to establish a business in the United Kingdom;
- iii.** poses no threat to the resident labour market; and
- iv.** will comply with the conditions of his/her permission to stay and leave the United Kingdom when it expires.

Tier 5 (Temporary workers) – Charity workers

239. Migrants coming to work temporarily in the United Kingdom as charity workers should only be undertaking voluntary activity and not paid employment. The migrant should intend to carry out fieldwork directly related to the purpose of the sponsoring organisation.

240. Migrants entering the United Kingdom under the charity workers sub-category will be given a maximum of 12 months' permission to stay. Their dependants will be allowed to work if they

are accompanying or joining them in the United Kingdom.

241. To gain a licence as a sponsor of charity workers the employer must provide the appropriate documents as listed in Appendix A.

242. In issuing a certificate of sponsorship, the sponsor is guaranteeing that the migrant:

- i.** intends to undertake voluntary fieldwork directly related to the purpose of the charity sponsoring him/her;
- ii.** will not be paid or receive other remuneration for their work (with the exception of reasonable expenses outlined in section 44 of the National Minimum Wage Act), please see http://www.opsi.gov.uk/Acts/acts1998/ukpga_19980039_en_3#pb14-l1g44
- iii.** will not take up a permanent position; and
- iv.** will comply with the conditions of his/her permission to stay and leave the United Kingdom when it expires.

Tier 5 (Temporary workers) – Religious workers

243. This category is for migrants coming to work temporarily in the United Kingdom as:

- i.** a religious worker in a non-pastoral role, where the duties include performing religious rites, such as tending to the deities or reading the scripture aloud to the congregation, but not undertaking any of the pastoral duties described in paragraph 163 of this guidance (such workers must apply under Tier 2); or
- ii.** a visiting religious worker who is employed overseas in the same capacity as they are seeking to come to the United Kingdom to work, although the exact detail of their duties in the United Kingdom may differ. This employment should be ongoing and the time spent in the United Kingdom should be consistent with a break from their employment. Visiting religious workers cannot undertake any of the pastoral duties described in paragraph 163 of this guidance (such workers must apply under Tier 2).

244. Migrants entering the United Kingdom under this sub-category will be granted a maximum of 24 months' permission to stay. Their dependants will be allowed to work if accompanying or joining them in the United Kingdom.

245. In order to sponsor migrants in the sub-category, prospective sponsors must apply to us for a licence and provide evidence as listed in Appendix A.

246. Sponsors wishing to apply for a licence under this category must be a bona fide religious institution, which:

- i.** is a registered, excepted or exempt United Kingdom charity according to the relevant charity legislation in force in its part of the United Kingdom, or is an ecclesiastical corporation (either corporation sole or body corporate) established for charitable purposes. In Northern Ireland the organisation must have obtained charitable status for tax purposes from HM Revenue and Customs. Charities who are not registered according to the relevant charity legislation must explain the reason for non-registration in their application for a sponsor licence; and
- ii.** is the structure for a faith-based community with a common system of belief and spiritual goals, codes of behaviour and religious practice, which exists to support and/or propagate those common beliefs and practices and where such beliefs:
 - a. include** any religious belief or similar philosophical belief in something transcendental, metaphysical or ultimate;
 - b. exclude** any philosophical or political belief concerned with man, unless that belief is similar to religious belief; and
- iii.** does not exclude from its community on the basis of gender, nationality or ethnicity; and
- iv.** receives financial and material support for its core religious ministry from its congregation or community on a voluntary basis only, without promise or coercion; and
- v.** does not breach, or encourage others to breach, any United Kingdom legislation; and
- vi.** does not operate against the public interest, or in a way that has a detrimental effect on personal or family life as these are commonly understood in the United Kingdom.

247. When a sponsor issues a certificate of sponsorship under this sub-category, it is guaranteeing that:

- i.** the migrant is qualified to do the job in question;

- ii.** the migrant does not intend to take employment for the sponsor except as a visiting religious worker or a religious worker in a non-pastoral role;

- iii.** the migrant will only work at the specified location(s), except where working under the supplementary employment provisions;
- iv.** it is giving an undertaking that it will accept the responsibilities of sponsorship for the migrant;
- v.** it is giving an undertaking to support the migrant through funds and/or accommodation that are sufficient for them to maintain themselves throughout the duration of the certificate of sponsorship. Migrants who are unable to support themselves could face financial hardship because they will not have access to most state benefits;
- vi.** the migrant will not be displacing or denying an employment opportunity to a suitably qualified member of the resident labour force; and
- vii.** the migrant will comply with the conditions of his/her permission to stay and will leave the United Kingdom when it expires.

Tier 5 (Temporary workers) – Government authorised exchange

248. This category is for migrants coming to the United Kingdom through approved schemes that aim to share knowledge, experience and best practice. This category cannot be used to fill job vacancies or provide a way to bring unskilled labour to the United Kingdom.

249. Migrants entering the United Kingdom under the government authorised exchange sub-category will be given a maximum of 24 months' permission to stay. Their dependants will be allowed to work if they are accompanying or joining them in the United Kingdom.

250. To prevent potential abuse of this sub-category and the formation of small individual schemes, individual employers and organisations will not be allowed to sponsor migrants, even if they are licensed as sponsors under other tiers or other sub-categories of Tier 5.

251. Instead, there will be an overarching body to administer the exchange scheme. This overarching body will be the sponsor and will need to apply for a

licence. The scheme and the overarching body must have the support of a United Kingdom government department. The overarching body will issue certificates of sponsorship to migrants who meet the requirements of the scheme.

252. When deciding which exchange schemes to support, government departments will be expected to select schemes that meet the requirements below.

- i.** The exchange scheme must not harm the resident labour market. Migrants coming to the United Kingdom to take part in work experience schemes must not fill vacancies in the workforce and must do work that is additional to the employer's normal staffing requirements.
- ii.** Any work the migrant undertakes must be skilled. Skilled work is currently defined as being equivalent to S/NVQ3 or above.
- iii.** The employment must conform with all relevant United Kingdom and European legislation, such as the National Minimum Wage Act and the EC working hours directives.
- iv.** The exchange scheme must include measures that protect it from being abused.

253. To show a government department supports the scheme, the government department's accounting officer must write a letter to the Chief Executive of the UK Border Agency, giving details of the overarching body that is running the scheme and officially confirming that:

- i.** the exchange scheme satisfies all the requirements to which government departments must adhere when selecting schemes to support;
- ii.** the exchange scheme will help the relevant department to deliver one or more of its public service agreement (PSA) obligations as set out in the specific delivery agreement for the relevant PSA³;
- iii.** the government department is satisfied that the overarching body is capable of meeting its sponsor duties; and
- iv.** if significant numbers of migrants under the exchange scheme break the immigration rules, the supporting government department will be liable for any enforcement costs and accepts that we may end the scheme.

254. The government department must send a copy of the above request letter and the letter of acceptance received from us to the overarching body that administers the scheme.

255. Once the above letters have been received the overarching body must submit an online application for a sponsor's licence and send in the necessary documents as listed in Appendix A, along with a copy of the letter received from us. If approved, the overarching body can act as the sponsor and issue certificates of sponsorship to migrants who meet the criteria.

256. The overarching body that issues a certificate of sponsorship to the migrant will be guaranteeing that the migrant:

- i.** is seeking entry to the United Kingdom to work or train temporarily here through an approved exchange scheme;
- ii.** does not intend to establish a business in the United Kingdom; and
- iii.** meets the requirements of the individual exchange scheme.

³ Each delivery agreement is on the HM Treasury website at: http://www.hm-treasury.gov.uk/pbr_csr/psa/pbr_csr07_psaindex.cfm

Tier 5 (Temporary workers) – International agreement

257. This category is for migrants who are coming to the United Kingdom under contract to provide a service that is covered under international law, including:

- the General Agreement on Trade in Services (GATS);
- similar agreements between the United Kingdom and another country;
- employees of overseas governments and international organisations; and
- private servants in diplomatic households.

258. Migrants entering the United Kingdom under the international agreement sub-category will be granted a maximum of 24 months' permission to stay. Their dependants will be allowed to work if they are accompanying or joining them in the United Kingdom.

259. In order to gain a licence as a sponsor of **private servants in diplomatic households or households of officials working for international organisations**, the sponsor must be a diplomatic mission or an international organisation recognised by the United Kingdom.

260. A sponsor that issues a certificate of sponsorship to private servants in diplomatic households, will be guaranteeing that the migrant:

- i. is aged 18 or over;
- ii. will be employed as a private servant in the household of:
 - a. a member of staff of a diplomatic or consular mission who has diplomatic privileges and immunity as defined by the Vienna Convention on Diplomatic Relations; or
 - b. an official employed by an international organisation who enjoys certain privileges and immunities under United Kingdom or international law;
- iii. intends to work full-time in domestic employment;
- iv. will not take up any other form of employment for the sponsor other than as a private servant in the specified household; and
- v. will leave the United Kingdom when their permission to stay has expired.

261. In order to gain a licence as a sponsor of **employees of overseas governments and international organisations**, the prospective sponsor must be a diplomatic mission or an international organisation recognised by the United Kingdom.

262. A sponsor that issues a certificate of sponsorship to employees of overseas governments and international organisations, will be guaranteeing that the migrant will:

- i. be under a contract of employment with the overseas government or international organisation;
- ii. not take up any employment for the sponsor other than that for which a certificate of sponsorship was issued; and
- iii. not try to avoid immigration controls by changing to a different category of worker within the international agreements sub-category after entering the United Kingdom .

263. Diplomatic missions and international organisations will need to submit a signed letter from the Head of the Mission or organisation, or his or her delegated person, confirming that he or she is seeking a sponsor licence. Once licensed, a mission or international organisation will be able to apply for a certificate of sponsorship that can be allocated to a prospective worker.

264. To gain a licence as a sponsor of migrants under **GATS or other international agreements**, the prospective sponsor must show that the job or employment involved is covered by the terms of the agreement concerned. To become a sponsor, the employer will need to apply to us for a licence under Tier 5, supplying the specified evidence, as mentioned in Appendix A. Once licensed, the sponsor will be able to issue certificates of sponsorship to migrants coming here to work.

265. A sponsor that issues a certificate of sponsorship will be guaranteeing that the migrant:

- i. works for an employer or organisation, or is a national of a country that:
 - a. is a member of the World Trade Organisation; or
 - b. has a bilateral agreement with the United Kingdom or the European Union; or
 - c. is a member of the European Union;

- ii. will be engaged in work that meets the terms and conditions of the relevant international agreement; and
- iii. where relevant, works for the employer that was awarded the contract or will provide services to the United Kingdom client.

Maintenance (available funds) – Tier 2 and Tier 5

266. Migrants must show that they have enough money to support themselves and any dependants from the time they enter the United Kingdom until they start to receive an income. Please refer to migrant guidance for further information <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/managingourborders/pbsdocs/>

267. However, a sponsor registered under Tier 5 temporary workers category that has an A-rating and is issuing a certificate of sponsorship under one of the sub-categories, can certify that a migrant will not claim benefits and this will be enough for that migrant to meet the maintenance test. A B-rated sponsor cannot provide this certification.

268. Sponsors that certify that migrants meet the maintenance test should be aware that it is their duty to make migrants aware that they should not claim state benefits.

Initial permission to stay

269. Successful applicants who enter the United Kingdom under Tier 2 (Skilled workers) will initially be given permission to stay for up to three years, depending on the length of their expected employment here.

270. Successful applicants under Tier 5 temporary workers category will receive different lengths of permission to stay depending on the sub-category under which they apply.

Extensions of permission to stay

271. A migrant who has come to the United Kingdom under Tier 2 can apply for an extension of his/her permission to stay (this is known as further leave to remain).

272. The requirements for the extension test are similar to those for initial entry. They are that:

- i. the migrant has been issued with a certificate of sponsorship for his/her continued employment before making an application for an extension of stay; and
- ii. the job continues to be at a level of S/NVQ3 or above and be paid at or above the appropriate rate.

273. Another resident labour market test will not be required because the sponsor will have shown on the initial application that the job could not be filled from the resident labour market.

274. Under Tier 5 temporary workers category we will only extend permission to stay to reach the maximum time allowed under the relevant sub-category. However, a migrant can leave the United Kingdom and reapply for entry clearance on a new certificate of sponsorship after their maximum stay has been reached. There is no minimum time limit required to be spent abroad before reapplying for entry clearance under Tier 5 temporary worker category.

Change of employment

275. A person who has previously received permission to enter or remain in the United Kingdom as a skilled migrant (in Tier 2) and now wishes to extend his/her stay because he/she has changed employment, either within the same organisation or with a new organisation, will have to pass the points test. All applications for a change of employment must meet the resident labour market test or be on the shortage occupation list.

276. The migrant will automatically receive points for English language ability because he/she will have shown this for the initial application, although this does not apply to applicants who came to the United Kingdom on an intra-company transfer. He/she will also not have to give evidence of maintenance.

277. Migrants under Tier 5 temporary workers category can apply for change of employment whilst in the United Kingdom, however, we will only grant permission to stay to reach the maximum time allowed under the relevant sub-category and they will not be able to switch into another tier, category or sub-category. Before issuing a certificate of sponsorship the new sponsor may wish to ensure

that the migrant meets the relevant criteria for that tier, category or sub-category for which it is being issued.

Keeping documents

278. To comply with their duties, sponsors are required to keep certain documents for each sponsored migrant. Appendix D lists these documents and how long a sponsor must keep them. The documents can be kept in either paper or electronic form. If the sponsor is keeping the documents electronically, they must ensure that all the relevant parts of the document are clearly visible as described in Appendix D.

279. There is no prescribed method for storing the documents, but the sponsor must be able to make them available to us on request.

280. Sponsors should also see our guidance on preventing illegal working, which gives details of specific documents they must keep and the format in which they must be kept. Sponsors have responsibilities for this under regulations made under section 15 of the Immigration, Asylum and Nationality Act 2006. The guidance is on our website at: <http://www.ukba.homeoffice.gov.uk/employers/preventingillegalworking/>

281. Any documents that we ask to see that are not in English/Welsh must be accompanied by a certified translation. The translator's credentials should be provided, along with his/her official declaration that the translation is accurate.

282. Sponsors should note that some documents they must keep as part of their sponsorship duties may also need to be kept for other purposes. Sponsors must ensure that they meet any other legal requirements for record-keeping, or ones set by us or another government department.

283. Sponsors must ensure that all documents are kept according to the requirements of the Data Protection Act. More information on data protection in an employment context is on the website of the Information Commissioner's Office at: http://www.ico.gov.uk/Home/for_organisations/topic_specific_guides/employment.aspx

Employment/Recruitment agency registration

284. An agency can apply for a licence as a sponsor only if it will employ migrants who are not settled in the United Kingdom within its own organisation. We will not issue a licence if the agency only supplies staff to other employers.

285. The sponsor will need to demonstrate that the vacancy is associated with a particular job, project or piece of work that it is responsible for delivering. If the application involves providing a service to a client under a contract, the sponsor must keep a copy of the contract between everyone involved and we may check this as part of a visit by a visiting officer.

286. We will only allow the sponsor to issue a certificate of sponsorship if it is clear that the sponsor has full responsibility for determining the duties, functions and outcomes or outputs of the post. The sponsor may apply for a licence to issue certificates of sponsorship to migrants who are not settled in the United Kingdom and who will be employed to provide services to a client under a contract. This may mean that the person will need to work at the client's premises.

Switching while in the United Kingdom

287. Switching is the term we use when a migrant who is already legally in the United Kingdom changes immigration status from one immigration category to another. When the migrant does this, he/she must meet the initial entry requirements for the new category.

288. Migrants must meet certain requirements when changing their immigration status and we will impose certain restrictions. We will only approve an application for a migrant to change immigration category while in the United Kingdom if he/she:

- i.** meets the specific requirements of the immigration rules to be given permission to stay in the United Kingdom within the category that he/she is switching into; and
- ii.** is already in the United Kingdom within one of the categories that allows switching into another category while in the United Kingdom.

289. A person who is in the United Kingdom without having leave to enter or remain for his/her current stay cannot be given leave to remain in certain categories, and we will refuse these applications.

290. Sponsors may wish to ensure that the migrant's current immigration status allows him/her to switch into the desired immigration category. If the applicant's immigration status is not in one of the eligible categories, he/she will not be allowed to switch and we are likely to refuse the application for leave to remain.

291. Further guidance on the current switching rules is on our website at: <http://www.ukba.homeoffice.gov.uk/workingintheuk/tier2/switching/>

Supplementary employment

292. Tier 2 and Tier 5 migrants will be allowed to undertake other work which is supplementary to that for which his/her certificate of sponsorship was issued. This supplementary employment will not have to meet the resident labour market test and the employer will not have to be a sponsor. Supplementary employment must:

- i.** be in the same profession and at the same professional level as the work for which the certificate of sponsorship was issued;
- ii.** be no more than 20 hours a week; and
- iii.** be outside of normal working hours for which his/her certificate of sponsorship was issued.

Applicants will not need to advise us of any supplementary employment they undertake, as long as it meets the above stated criteria.

An applicant should advise his/her new employer that the employment is supplementary employment so that the employer can make the necessary checks in accordance with its obligations under the prevention of illegal working directive.

Certificate of sponsorship or confirmation of acceptance for studies

293. Once licensed, and when the relevant tier is introduced, a sponsor will be entitled to issue certificates of sponsorship. The sponsor will do this using the online sponsorship management system.

294. A certificate of sponsorship issued to students will be known as the confirmation of acceptance for studies. We have used the term certificate of sponsorship throughout this guidance but this includes the confirmation of acceptance for studies.

295. A sponsor that issues a certificate of sponsorship will be held fully responsible for the actions of an employee or legal representative who acts on its behalf. Any non-compliance with the rules on issuing or allocating certificates of sponsorship may result in us withdrawing the sponsor's licence or downgrading it to a B-rating. If we find the sponsor is employing an illegal migrant worker because its recruitment practices are negligent, we may issue the sponsor with a civil penalty and may refer the case for prosecution.

The certificate of sponsorship

296. A certificate of sponsorship is not an actual certificate or paper document like a work permit. Sponsors will complete a process within the sponsorship management system that results in the issue of a unique reference number. The sponsor then gives this reference number to the migrant to enable him/her to apply for entry clearance (if outside the United Kingdom) or leave to remain (if inside the United Kingdom) to work or study with the sponsor. (The migrant may also request other information from the sponsor that formed part of the process of generating the unique reference number).

297. However, there will be an additional process for migrants who are coming to the United Kingdom under Tier 5 creative and sporting sub-category, if they are:

- i.** seeking entry to the United Kingdom for three months or less; and
- ii.** non-visa nationals (not nationals of a country whose nationals must always have a visa to enter the United Kingdom).

298. The sponsor must forward the certificate of sponsorship number to the migrant. These migrants (non-visa nationals travelling for under 3 months) do not need to apply for entry clearance before travelling to the United Kingdom. An additional process will be introduced to enable them to gain entry at the port. (More information about this process will be available in autumn 2008). We will have arrangements to enable us to make

- appropriate checks at the port of entry, to ensure the sponsorship requirements have been met.
- 299.** You should give the certificate of sponsorship number to the migrant and treat it as you would a secure and confidential document.
- 300.** A certificate of sponsorship issued by a sponsor under Tier 2 and Tier 5 is valid for three months from the date of issue. However, a confirmation of acceptance of studies issued under Tier 4 will be valid for six months from the date of issue.
- 301.** If the migrant does not use the certificate of sponsorship within this period to gain entry clearance or leave to remain it will automatically become invalid. During this period the migrant cannot be issued with another certificate of sponsorship by any other sponsor.
- 302.** If a migrant does not want to take up the employment or join the course because he wishes to take up an offer of a job or course from a different sponsor, he must contact the original sponsor to cancel/withdraw the certificate of sponsorship. See paragraph 322.
- 303.** A sponsor that issues a certificate of sponsorship will need to complete the migrant and sponsorship details on the certificate of sponsorship screen within the sponsorship management system as well as (where appropriate) details such as salary, skill level, and whether the job satisfies the resident labour market test, is an intra-company transfer or is in a shortage occupation.
- 304.** A certificate of sponsorship can only be issued by an employee of the sponsoring organisation or a legal representative who has been given access to the sponsorship management system, and who is based in the United Kingdom. Once a certificate of sponsorship has been issued, the sponsor will have to inform the migrant of its reference number. The migrant must then apply for entry clearance or leave to remain in the United Kingdom and quote the certificate of sponsorship number on his/her application form.
- 305.** Before issuing a certificate of sponsorship to a migrant who is not settled in United Kingdom, the sponsor must meet certain requirements. These will depend on the tier, category, or sub-category under which the sponsor is licensed and the certificate is issued.
- 306.** The fact that a certificate of sponsorship has been issued does not guarantee that the migrant will succeed in obtaining entry clearance or leave to remain. The migrant must meet certain criteria for the relevant tier, category, or sub-category and apply for entry clearance or leave to remain.
- 307.** Sponsors that are considering issuing a certificate of sponsorship to migrants already in the United Kingdom and migrants who are considering submitting an application for leave to remain should understand the effect the migrant's current immigration status may have on their application for leave to remain because of the rules on switching (see paragraph 287-291).
- 308.** A multiple entry certificate of sponsorship may be issued under any category of tiers 2 or 5. It allows migrants who are based overseas to enter the United Kingdom on a regular basis within the period specified on the certificate, to work for the same sponsor. This type of certificate is not required by a person wishing to travel overseas for leisure or domestic purposes. Possession of this type of certificate means there is no need for the sponsor to issue a fresh certificate every time the migrant is required to work in this country. Multiple entry certificate holders must obtain prior entry clearance, irrespective of the length of leave.
- 309.** A group certificate of sponsorship may also be issued under Tier 5 creative and sporting, where it is appropriate to do so.
- 310.** Please also refer to paragraphs 234 to 237 for issuing certificates of sponsorship to migrants under Tier 5 creative & sporting category.
- The number of certificates of sponsorship that may be issued**
- 311.** When a sponsor applies for a licence, we will ask it to give us an estimate of the number of certificates of sponsorship it expects to issue each year in each tier, category, or sub-category for which it is applying for a licence. The number must include existing migrants who will apply for extensions of their permission to stay and any new migrants it wishes to sponsor. We will ask the sponsor to justify the number of certificates of sponsorship required.

This could, for example, be based on future business needs.

312. If we approve the application for a licence, we will then decide what limit to set on the number of certificates of sponsorship the sponsor can issue.

We will set a limit for all organisations. This may be:

- i.** the sponsor's requested number of certificates of sponsorship; or
- ii.** a lower limit if the sponsor is B-rated, a start-up organisation or has any history of not complying with immigration rules.

313. In setting the limit, we will take into account all the circumstances, including the sponsor's estimated requirements and other factors, for example:

- i.** the sponsor's previous record in dealing with us (including its previous dealings with the work permits arrangements);
- ii.** its type of business;
- iii.** the size of the business; and
- iv.** the length of time for which it has been trading.

314. The sponsor may ask us to increase its limit for certificates of sponsorship if it thinks it is too low, or if it reaches its existing limit for certificates of sponsorship. It can do this using the sponsor change of circumstances form or the sponsorship management system. We will consider these requests using the principles listed above. We may also reduce the sponsor's limit if its circumstances change taking into account the factors above.

315. In addition to setting these limits, we will set a review point for the sponsor. We will use this to review the sponsor's performance after it has issued a certain number of certificates of sponsorship. This number may be lower than the sponsor's overall limit. The sponsor can continue to issue certificates of sponsorship up to its limit even after it has reached its review point.

316. We may move the sponsor's review point up or down, if we think circumstances make it necessary.

317. Any certificates of sponsorship that are unused at the end of each year will be removed from the sponsorship management system and the sponsor will have to apply for a new allocation for the following year. It is not possible to carry over any unused certificates of sponsorship.

Immigration requirements

318. Before a sponsor can issue a certificate of sponsorship to a migrant worker, certain criteria must be met. These depend on the tier, category, or sub-category under which the sponsor wants to issue the certificate.

319. The migrant must meet the points criteria for the relevant tier, category, or sub-category and apply for entry clearance or leave to remain. He/she must provide the specified evidence to show that he/she has enough points.

Cancelling a certificate of sponsorship

320. We can cancel a certificate of sponsorship at any time if we find that the sponsor was not entitled to issue it, for example if it was issued through misrepresentation or fraud.

321. A sponsor can withdraw a certificate of sponsorship. This must be done using the sponsorship management system.

322. If a migrant does not want to take up the employment or join the course because he wishes to take up an offer of a job or course from a different sponsor, he must contact the original sponsor to cancel/withdraw the certificate of sponsorship. The migrant must make this request to the sponsor in writing/email and give the sponsor 5 working days to action this request. The sponsor must action this request within 5 working days, and if they fail to do so the migrant will be expected to send a reminder following which the sponsor will have a further 5 working days to implement the request. If they refuse or fail to cancel/withdraw the certificate of sponsorship within the specified time, the migrant can contact the Sponsor Licensing Unit who will cancel/withdraw the certificate of sponsorship for the migrant, after discussions with the sponsor. Sponsors must be aware that failure to take action when receiving such a request from the migrant, within the specified time, may lead to us taking further action against the sponsor. Sponsors must also note that when a certificate of sponsorship is cancelled/withdrawn the fee will not be refunded.

323. Once a certificate of sponsorship has been cancelled, we will automatically refuse any application for entry clearance or leave to remain

that would rely on that certificate of sponsorship but that has not yet been made.

324. If the migrant is already in the United Kingdom with entry clearance or leave to remain, we will cancel or reduce his/her leave if we find that the certificate of sponsorship on which the entry clearance or leave to remain was based was improperly issued and his/her permission to be in the United Kingdom will be:

- i.** reduced to 60 calendar days (to give him/her a chance to find a new sponsor) if he/she was not actively involved in the certificate of sponsorship being issued improperly; or
- ii.** immediately ended (curtailed) if he/she was actively involved.

Sponsorship duties

325. The system of sponsorship requires those who most directly benefit from migration, those who are sponsoring migrants, to play their part in ensuring that the system is not abused. All licensed sponsors will be required to fulfil certain duties. Some of these duties are **generic**, (they will apply to all sponsors). Others are specific to sponsors who are licensed under certain tiers or categories. Sponsors will be required to adhere to these duties to ensure immigration controls remain effective. The objectives of these duties are to:

- i.** prevent abuse of the assessment procedures;
- ii.** capture early any patterns of migrant behaviour that may cause concern;
- iii.** address possible weaknesses in process which can cause those patterns; and
- iv.** monitor compliance with immigration rules.

326. This document reflects our current policy, but may be subject to change at any time.

Generic duties

327. These are as follows.

Record keeping duties

- i.** All sponsors must keep the following records or documents, and make them available to our officials on request:
 - a.** a photocopy or electronic copy of each sponsored migrant's passport or United Kingdom immigration status document (and in time, his/her ID card), showing

evidence of his/her entitlement to work or study. For employers this is in line with the responsibilities laid down for them by Regulations made under section 15 of the Immigration, Asylum and Nationality Act 2006;

- b.** each sponsored migrant's contact details (United Kingdom residential address, telephone number, and mobile telephone number). These details must be updated as necessary.

- ii.** All sponsors must provide such documents relating to sponsored migrants as we consider relevant. We might, for example, ask for details of the sponsor's recruitment practices so that we can ensure that the resident labour market test is being applied correctly, where appropriate.

- iii.** From 2008 we will be introducing **ID cards** for foreign nationals. This will be a new type of immigration status document which will contain details of the holder's immigration status, together with their fingerprints. Where the migrant has an **ID card**, the sponsor will be required to keep a copy of it.

Reporting duties

- iv.** All sponsors must report the following information or events to us, within any time limit specified. Information about migrants' non-attendance, non-compliance or disappearance will be used to take enforcement action against them:

- a.** if a sponsored migrant does not turn up for his/her first day of work, or does not enrol on his/her course at the expected time. The report must be provided within 10 working days and must include any reason given by the migrant for his/her non-attendance or non-enrolment (for example a missed flight);
- b.** if a sponsored migrant is absent for work or study for more than 10 working days, without the sponsor's reasonably granted permission. In this case, the report must be provided within 10 working days of the 10th day of absence;
- c.** if a sponsored migrant discontinues his/her studies, or if the migrant's contract of employment or registration is terminated (including where the migrant resigns or is dismissed). Such a report must be given within 10 working days of the event in

question, and should include the name and address of any new employer or institution that the migrant has joined, if the sponsor knows it;

- d.** if the sponsor stops sponsoring the migrant for any other reason (for example, if the migrant moves into an immigration route that does not require a sponsor), the report must be provided within 10 working days;
 - e.** if there are any significant changes in the migrant's circumstances, for example, a change of job or salary (but not job title or annual pay rise) or if the duration of a course of study shortens, the report must be provided within 10 working days;
 - f.** any suspicions it may have that a migrant is breaching the conditions of his or her leave, the report must be provided within 10 working days;
 - g.** if there are any significant changes in the sponsor's circumstances, for example, if the sponsor ceases trading or becomes insolvent, substantially changes the nature of its business, is involved in a merger or is taken over, the report must be provided within 28 working days;
 - h.** details of any third party or intermediary, whether in the United Kingdom or abroad, that has assisted it in the recruitment of migrant employees or students.
- v.** The sponsor must also give the police any information it may have that suggests that the migrant may be engaging in terrorism or other criminal activity.

Complying with the law

- vi.** To ensure that they are complying with our immigration laws, sponsors must also fulfil the following duties:
- a.** to ensure that a migrant who is coming to work is legally entitled to do the job in question and has the appropriate registration and/or professional accreditation where this is legally required. For example, if the migrant is coming to work as a doctor, the sponsor will need to ensure that he/she has the correct registration to entitle him/her to practice as such in the United Kingdom. The sponsor must keep a copy of any appropriate registration document or certificate, and supply it to us on request;

- b.** not to employ a migrant if the conditions on the migrant's leave (or the migrant's lack of leave) mean that he or she is not allowed to undertake the work in question, and to stop employing any migrant who ceases, for any reason, to be entitled to undertake the work;
- c.** only to issue certificates of sponsorship to migrants who, to the best of the sponsor's knowledge and belief, will meet the requirements of the tier or category of the points-based system under which the certificate is issued, and are likely to comply with the conditions of their leave. The requirements and conditions of leave are set out in the immigration rules.

Co-operating with us

- vii.** In order to allow us to manage the sponsorship system properly, all sponsors must also comply with the following duties:
- a.** allow our staff access to any of its premises on demand. Visits may be either prearranged or unannounced;
 - b.** adhere to any action plan set by us, an action plan for B-rated sponsors may lay down additional duties;
 - c.** seek to minimise the risk of immigration abuse by complying with any good practice guidance that we or any sector body may produce for sponsors in particular tiers or sectors, with our agreement.

Duties specific to sponsors under particular tiers or categories

328. The above duties apply to all sponsors across the points-based system. Those set out below apply only to certain tiers.

Tier 2 – skilled workers

329. Sponsors who are licensed to sponsor migrants under Tier 2 (General) and Tier 2 (Intra-company transfers) should only issue a certificate of sponsorship to a migrant if the sponsor is satisfied that the migrant intends to, and is able to, do the specific skilled job in question, which must be of at least S/NVQ skill level 3. The sponsor must indicate when issuing a certificate of sponsorship if:

- i. the sponsor has carried out the resident labour market test; and the migrant will be paid at or above the rate at which the job has been advertised; or
- ii. the job concerned appears on the list of shortage occupations published by us (or if the job is in Scotland, on the Scotland-only list), at the date that the sponsor issues a certificate of sponsorship in respect of that job; or
- iii. the job is an intra-company transfer.

330. Sponsors must also indicate that:

- i. the migrant will be paid at or above the rate (including any specific permitted allowances) appropriate for that job in the United Kingdom;
- ii. the job is a genuine vacancy;
- iii. the job is at S/NVQ level 3 or above.

331. For **Tier 2 (Intra-company transfers)**, the migrant must have been working for the overseas linked company (as defined in the intra-company transfer definition) for at least the last six months, directly prior to the certificate being issued.

332. For **Tier 2 (Sports people)** seeking to establish themselves in the United Kingdom, the sponsor must confirm that the migrant has an endorsement from the governing body for that sport, that he/she is internationally established at the highest level, and that he/she will make a significant contribution to the development of his/her sport at the highest level in the United Kingdom.

333. Where the migrant being sponsored is under **Tier 2 (Minister of Religion)**:

- i. The sponsor guarantees that the migrant:
 - a. is qualified to do the job in question;
 - b. intends to be based in the United Kingdom for the duration of his/her permission to stay; and
 - c. will comply with the conditions of his/her permission to stay.
- ii. The sponsor provides an undertaking that it will accept the duties of sponsorship for the migrant.
- iii. The sponsor provides an undertaking that it will support the migrant.
- iv. The sponsor confirms that it has undertaken a resident labour market test for the role, to ensure the migrant will not be displacing or denying an employment opportunity to a suitably qualified member of the resident labour force.

Tier 4 – Students

334. A certificate of sponsorship (which, for students, will be known as a confirmation of acceptance for studies) may only be issued under Tier 4 if the sponsor is satisfied that the migrant both intends and is able to follow the course of study concerned.

335. In addition to the generic sponsor duties, Tier 4 sponsors will be expected to meet the Tier 4 specific criteria relating to accreditation/inspection and the types of courses they may offer.

336. In order to keep their licence, education providers, in summary, will need to comply with the following duties:

- Keep a copy of all its non-European Union students' passports showing evidence of their entitlement to study;
- Keep each student's contact details and update them as necessary;
- Report to us any students who fail to enrol on their course;
- Report to us any unauthorised student absences as detailed below;
- Report to us any students who discontinue their studies (including a deferrals of study);
- Report to us any significant changes in the student's circumstances, (eg. if the duration of a course of study shortens);
- Maintain any appropriate accreditation;
- Offer courses to international students which comply with our conditions;
- Comply with applicable PBS rules and the law; and
- Co-operate with us.

337. To clarify our reporting requirements on students who fail to attend, we will expect institutions to notify us of the details of any students who fail to enrol by no later than 10 working days after the end of their prescribed enrolment period. Institutions will also need to notify us where a student has missed 10 expected contacts (for students in schools, Further Education and English language colleges this will normally be where the student has missed 2 weeks of a course. In the Higher Education sector, where daily registers are not kept we will accept this reporting where the student has missed expected interactions (for example, tutorials, submission of coursework etc)). Where a student ceases to attend an institution either because the institution has withdrawn them from the course or because the

student has told them they are leaving, then we will expect institutions to notify us within 10 working days of this being confirmed. In addition, if a student defers their studies after their arrival in the United Kingdom, their leave to remain will cease to be valid as they will no longer be actively studying. In such situations, the sponsor will need to notify us of the deferral and advise the student to leave the United Kingdom. When the student is ready to resume their studies they will need to make a fresh entry clearance application.

Tier 5 – Temporary Worker categories

338. An A-rated sponsor issuing certificates of sponsorship to migrants applying under Tier 5 temporary workers can certify that their migrants will not claim benefits while they are in the United Kingdom. This will allow the migrants to earn points for maintenance, without having to demonstrate that they have sufficient funds. They should be aware that it is their duty to make migrants aware that they should not claim state benefits.

339. Creative and Sporting: Sponsors of creative workers in areas of dance, theatre and film and television must commit to following the appropriate codes of practice produced by the sector, that will be agreed by us, for taking account of the needs of the resident labour market in those fields.

340. The sponsor must be able to prove that the migrant is internationally established at the highest level in their sport and/or whose employment will make a significant contribution to the development and operation of that particular sport in this country; and for coaches who must be suitably qualified to fulfil the role in question. Though Tier 5 sporting migrants do not require a governing body endorsement to gain entry clearance or leave to remain, the sponsor must ensure that they follow the criteria set for Tier 5 sport before issuing a certificate of sponsorship.

341. A certificate of sponsorship may only be issued in this sub-category if the migrant:

- i.** is seeking entry to the United Kingdom to work or perform in the relevant sector;
 - ii.** is not intending to establish themselves in business in the United Kingdom;
 - iii.** poses no threat to the resident labour force;
- and

iv. will comply with the conditions of their permission to stay and leave the United Kingdom when it expires.

342. Charity workers: A certificate of sponsorship may only be issued in this sub-category if the migrant:

- i.** is intending to undertake voluntary fieldwork directly related to the purpose of the charity sponsoring them;
- ii.** will not be paid or otherwise remunerated for their work (with the exception of reasonable expenses outlined in section 44 of the National Minimum Wage Act);
- iii.** will not take up a permanent position; and
- iv.** will comply with the conditions of their permission to stay and leave the United Kingdom when it expires.

343. Religious workers: A certificate of sponsorship may only be issued in this sub-category if the sponsor:

- i.** is vouching that the migrant is qualified to do the job in question and does not intend to take employment except as a visiting religious worker or a religious worker in a non-pastoral role;
- ii.** the migrant will only work at the specified location(s), except where working under the supplementary employment provisions;
- iii.** is giving an undertaking that it will accept the responsibilities of sponsorship in respect of the migrant;
- iv.** is providing an undertaking to support the migrant through funds and/or accommodation that are sufficient for them to maintain themselves throughout the duration of the certificate of sponsorship;
- v.** is confirming that the migrant is not displacing or denying an employment opportunity to a suitably qualified member of the resident labour force; and
- vi.** is confirming that the migrant will comply with the conditions of their permission to stay and leave the United Kingdom when it expires.

344. Government authorised exchange: To issue a certificate of sponsorship in this sub-category, the overarching body will need to vouch that the migrant:

- i.** is seeking entry to work or train temporarily in the United Kingdom through an approved exchange scheme;

- ii. is not intending to establish themselves in business in the United Kingdom; and
- iii. meets the requirements of the individual exchange scheme.

345. International agreement: A sponsor that issues a certificate of sponsorship to private servants in diplomatic households, will be guaranteeing that the migrant:

- i. is aged 18 or over;
- ii. will be employed as a private servant in the household of:
 - a. a member of staff of a diplomatic or consular mission who has diplomatic privileges and immunity as defined by the Vienna Convention on Diplomatic Relations; or
 - b. an official employed by an international organisation who enjoys certain privileges and immunities under United Kingdom or international law;
- iii. intends to work full-time in domestic employment;
- iv. will not take up any other form of employment for that sponsor other than as a private servant in the specified household; and
- v. will leave the United Kingdom when their permission to stay has expired.

346. A sponsor that issues a certificate of sponsorship to employees of overseas governments and international organisations, will be guaranteeing that the migrant will:

- i. be under a contract of employment with the overseas government or international organisation;
- ii. not take up any employment for the sponsor other than that for which a certificate of sponsorship was issued; and
- iii. not change to a different category of worker within the international agreements sub-category after entering the United Kingdom.

347. A sponsor that issues a certificate of sponsorship to migrants under GATS or other international agreements, will be guaranteeing that the migrant:

- i. works for an employer or organisation, or is a national of a country that:
 - a. is a member of the World Trade Organisation; or
 - b. has a bilateral agreement with the United Kingdom or the European Union; or
 - c. is a member of the European Union;

- ii. will be engaged in work that meets the terms and conditions of the relevant international agreement; and
- iii. where relevant, works for the employer that was awarded the contract or will provide services to the United Kingdom client.

Tier 5 – Youth mobility

348. Where the migrant is from a country that the Immigration Rules define as a “deemed sponsorship country”, we allow his/her national passport to serve as a certificate of sponsorship and there will be no specific duties on the overseas government concerned.

349. Participating countries without deemed sponsorship status will need to provide their nationals applying for youth mobility scheme with certificates of sponsorship. Participating countries should ensure as far as possible that they only issue certificates of sponsorship to migrants who are likely to meet the requirements for entry clearance under the scheme.

350. The sponsor government is vouching that the migrants concerned are nationals of that country, are aged between 18 and 30 inclusive and will comply with the terms of the youth mobility scheme.

Compliance with duties

351. If the sponsor fails to comply with any of its duties, it may be downgraded to a B-rating or have its licence withdrawn.

Concerns or queries about duties

352. Sponsors should raise any queries they have about their duties as sponsors or those of their legal representatives with us. They will be supported by our regional teams of visiting officers who will provide advice and act as a general point of contact. Sponsors who are employers may wish to be aware of the Employer Checking Service offered by us which is being developed to help identify whether a migrant is permitted to work in the United Kingdom. Information on the service can be found on our website at <http://www.ukba.homeoffice.gov.uk/employers/employersupport/ecs/>

When do a sponsor’s duties start and cease?

- 353.** Responsibility for the undertakings will commence from the date of issue of a sponsor licence and where they relate to a migrant will cease:
- i.** when the sponsor notifies us that the migrant has ceased to be in their employment or course of study; or
 - ii.** when the migrant leaves the United Kingdom and their entry clearance or leave to remain lapses; or
 - iii.** when the migrant is granted further leave to remain with a different sponsor or in another immigration category; or
 - iv.** if we withdraw the sponsor's licence.

Compliance checks

- 354.** We may carry out visiting officer checks before a decision on the sponsorship application has been made. We may also conduct checks after the decision is made. The purpose of such checks is to make sure that the information given on the sponsorship application is accurate. We will check that:
- i.** the information given about the sponsor is accurate and complete;
 - ii.** the sponsor is able to offer employment or study;
 - iii.** the organisation is genuine and is trading or operating lawfully in the United Kingdom;
 - iv.** there are no reasons to believe that the prospective or existing sponsor represents a threat to immigration control; and
 - v.** the organisation is committed to complying or is complying with the duties of sponsorship.

355. The organisation agrees to co-operate with these checks when it submits the sponsor application form.

356. We may choose to check organisations at random. If we check an organisation it does not necessarily mean we have any doubts about it. We may make these checks at any time during the application process or during the validity of the licence.

What happens during a check?

357. Our visiting officers carry out the checks. If they plan to visit, they usually, though not always, contact the sponsor to arrange a mutually convenient time.

358. The visiting officer will then gather material to support the information provided on the application form. He/she may also wish to speak to migrant workers, colleagues and managers involved in the recruitment of migrant workers.

359. If we doubt any aspect of the application, we will make further checks, which may involve a visit to the premises to ensure that the organisation is capable of meeting the duties of a sponsor.

360. We may also do follow-up checks on licensed sponsors. We may make a check by telephone, in person or by letter and will ask for material to support the information the sponsor gave at the time of the application. This is to verify that the information provided on the application form was a full and accurate description of the organisation and that the duties are being met.

361. The officer, or any third party working on our behalf, visiting a sponsor's premises will have official UK Border Agency identification. If a sponsor doubts that the official is genuine, it should contact a member of the Sponsor Management Unit either by email at sponsor.management@ind.homeoffice.gsi.gov.uk or by telephone on 0114 207 2899.

What happens after a check?

362. If we have carried out a check before making a decision on your application, visiting officers will report their findings to the Sponsor Licensing Unit.

363. The Sponsor Licensing Unit will then make the decision on the application using all of the information provided and will notify the prospective sponsor of the outcome.

364. If we have already approved the application, the Sponsor Licensing Unit will write to the sponsor to let it know the outcome of the check.

Discrepancies or problems discovered during checks

365. We expect that checks will often not reveal any problems. In these cases, we will inform the sponsor of the outcome in writing.

366. If there are differences between what the sponsor told us and what our visiting officer finds during a check and we find these before a decision has been

made on your application, the Sponsor Licensing Unit will let the prospective sponsor know whether it requires more information before making its decision on the application.

367. If we find differences on the application after a decision has already been made and the migrant worker has taken up post, the visiting officer will work with the sponsor to help the organisation find ways to meet its duties.

368. This may take the form of downgrading the sponsor from an A-rating to a B-rating and giving the sponsor an action plan it must carry out within a certain time to return it to an A-rating. If the visiting officer recommends downgrading the sponsor from an A-rating to a B-rating, and the Sponsor Licensing Unit agrees, the sponsor will be given 28 calendar days to give us its views and any new evidence before we make a decision.

369. However, there may be occasions when we find evidence that a sponsor or legal representative has knowingly deceived us, or when we cannot verify the statements made on the application. In these cases the visiting officer will make recommendations to the Sponsor Licensing Unit and the Sponsor Licensing Unit has the right to remove the sponsor from the register and therefore cut short the permission that any migrant workers have to remain in the United Kingdom. We will inform the sponsor of our proposed action in writing and give it 28 calendar days to give us its views and any new evidence before we make a decision.

370. Where appropriate, we may prosecute sponsors (or legal representatives) under the relevant immigration rules or other legislation. If a sponsor or legal representative has been shown to have attempted deception, we reserve the right to refuse future applications involving the same sponsor or legal representative.

Allegations of abuse of the sponsorship arrangements

371. A sponsor that uses deception to obtain a licence may be committing a criminal offence. The visiting officer will consider information about abuse of the sponsorship arrangements and investigate and, if appropriate, inform the relevant authorities of his/her findings.

372. We treat all sponsorship applications as confidential. We will not pass on information sent with the prospective sponsor's application to anyone except to other government departments, agencies and local authorities where this is necessary to enable them to carry out their functions. However, we will publish sponsors' ratings of A and B on our website.

373. We treat any allegation of abuse of the sponsorship arrangements in the strictest confidence. Anyone with information about abuse of the sponsorship arrangements can contact a member of the Sponsor Management Unit by email at sponsor.management@ind.homeoffice.gsi.gov.uk or the Sponsor Licensing Unit by email at sponsorlicensing@ind.homeoffice.gsi.gov.uk

Refusals

Circumstances in which we will refuse a licence application

374. We will refuse the application in any of the circumstances below:

- a.** The prospective sponsor or another relevant person⁴ submits any **false document** with its application. If this happens, and we believe that a criminal offence has been committed, we will not hesitate to refer the case for prosecution as well as refusing the application.
- b.** The prospective sponsor does not meet the specific requirements that apply to the appropriate tier or category under which it is applying to register. If the prospective sponsor meets the requirements for some of the tiers or categories, but not others, we will only licence it for the tiers or categories under which it qualifies.
- c.** The prospective sponsor or another relevant person, has, within the previous six months, been issued with a civil penalty under Section 15 of the Immigration, Asylum and Nationality Act 2006 for employing one or more illegal workers, and the fine for at least one of those workers was set at the maximum amount (currently £10,000). We will not refuse the application if we withdrew or reduced the fine or it was cancelled or reduced on appeal.

⁴ In this guidance, "another relevant person" means the sponsor's (or prospective sponsor's) authorising officer, key contact or level 1 user.

- d. The prospective sponsor or another relevant person has been issued with a civil penalty for one of the “offences” in Appendix C and has not paid it (unless we withdrew the penalty or it was cancelled on appeal).
- e. The prospective sponsor or another relevant person has been convicted of one of the offences below, unless the conviction is spent under the Rehabilitation of Offenders Act 1974. (Convictions may become ‘spent’ after specified periods of time from the date of conviction if there are no further convictions during that time. Spent convictions are disregarded for certain purposes.):
 - i. Any offence under the Immigration Act 1971; the Immigration Act 1988; the Asylum and Immigration Appeals Act 1993, the Immigration and Asylum Act 1999; the Nationality, Immigration and Asylum Act 2002; the Immigration, Asylum and Nationality Act 2006; or the UK Borders Act 2007;
 - ii. Trafficking for sexual exploitation;
 - iii. Any other offence which, in our opinion, indicates that he/she poses a risk to immigration control, for example, offences involving dishonesty or deception, including any of the offences listed in Appendix B. Any other unspent convictions could also lead to an application being refused; or
- f. If the prospective sponsor or another relevant person is legally prohibited from becoming a company director (unless this is because he/she is an un-discharged bankrupt).

- b. having had work permit applications refused on the grounds that the applicant’s facilities were not large enough to cope with the increased staff and there were no plans to expand to take account of that increase; and
- c. making false statements in any application to us, including an application for a work permit.

376. In the cases above, we may grant a licence in exceptional circumstances, such as if a former employee of the organisation was wholly responsible for the dishonesty and was dismissed when it was discovered. However, if we do grant a licence in exceptional circumstances, we may award a B-rating at first.

Circumstances in which we may refuse the application

377. A licence may also be refused in the circumstances listed below.

- a. If the prospective sponsor or another relevant person has a previous record of non-compliance or poor compliance with the duties of sponsorship, or with the work permit arrangements.
- b. If the prospective sponsor or another relevant person has:
 - i. been asked to provide evidence to allow us to decide whether it was complying with the sponsorship or work permit arrangements; and
 - ii. has refused or failed to provide that information.
- c. If the information available to us suggests that the prospective sponsor does not yet have the processes necessary to comply with its duties as a sponsor. For example, an employer’s internal communications may not be good enough for it to know who has reported for work.
- d. If the prospective sponsor or another relevant person has previously had a sponsor licence withdrawn by us. In these cases, the prospective sponsor will need to demonstrate that they have put right any issues which led to the withdrawal of their previous licence, before we will consider granting a new licence.
- e. If the prospective sponsor, or any organisation that the prospective sponsor or another relevant person has been involved with in a similar role, has been removed from the register of education and training providers maintained by

Circumstances in which we will normally refuse an application

375. We will normally refuse an application if the prospective sponsor or another relevant person, has been **dishonest** in any of its previous dealings with us (or the former Immigration and Nationality Directorate or Border and Immigration Agency). Examples of dishonesty include, but are not limited to:

- a. applying for work permits despite not having, or being in the process of establishing, an operating or trading presence in the United Kingdom;

the Department for Innovation, Universities and Skills (formerly the Department for Education and Skills).

f. If the Office of the Immigration Services Commissioner (OISC) has removed the authorisation of the prospective sponsor or any organisation that the prospective sponsor or another relevant person has been involved with in a similar role. (This applies to individuals or organisations that provide immigration advice or services).

378. The exact action we take in one or more of the circumstances above will depend on:

- i.** the seriousness of the past conduct (including the conduct that led to any previous withdrawal of a licence, removal from the register of education or training providers (see paragraph 377 (e) above) or termination of authorisation by the Office of the Immigration Services Commissioner), the length of time that has passed since it took place and any mitigating circumstances; and
- ii.** where paragraph 377 (d) above applies, the seriousness of the issues which led to the withdrawal of the previous licence, and what has been done since then to improve the situation.

379. If the licence is granted in these circumstances, we are likely to give the sponsor a B-rating.

Notifications

380. We will write to the prospective sponsor saying:

- i.** whether we have granted or refused the licence;
- ii.** if we have granted a licence, whether we have given the sponsor an A-rating or B-rating;
- iii.** the reasons for the decision, when we have refused the licence or approved it and given a B-rating;
- iv.** if we have granted a licence, the maximum number of certificates of sponsorship it will entitle the sponsor to issue.

381. We will send decision letters and return original documents only to the address given for the key contact on the application form. We will not send decision letters and original documents to any other

address. We will send all documents by recorded delivery.

Re-applying after having been refused

382. There is no right of appeal against refusal of an application for a licence, but refused applicants may reapply at any time. However, they will need to ensure that the reasons for their earlier refusal no longer apply. If they do not, they are likely to be refused again. A visiting officer may visit prospective sponsors who have previously been refused a licence to ensure that they can meet their duties as a sponsor.

383. If we have refused the application for reasons given in paragraph 374 (c) of this guidance, the prospective sponsor should not reapply until six months after the relevant fine was issued. If it does reapply before this date, we will refuse it again.

Illegal working

384. The vast majority of those who employ overseas workers are honest and will comply with their duties. Because sponsorship will transfer a significant amount of responsibility for selecting migrants to sponsors, we have a duty to ensure that we deal appropriately with the minority who do not comply with their duties.

385. We have therefore introduced measures to ensure that we enforce sponsors' duties and identify dishonest or incompetent sponsors early and withdraw their licences and punish them. As well as any enforcement action we may take against sponsors we find breaching their duties, we may also issue a civil penalty if they have broken the rules on illegal working. More information on the penalties for employing illegal workers is on our website at <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/preventingillegalworking/currentguidanceandcodes/summaryguidance0208.pdf>

Civil penalties for illegal working: Consequences of employing migrants illegally

386. When migrants work in the United Kingdom when they have no permission to do, we take this very seriously and will impose a range of penalties on those who employ people illegally. Sponsors must therefore make sure that their migrants who are not

settled in United Kingdom are entitled to work for them.

387. Our visiting officers will be fully trained in identifying and investigating illegal working and may issue civil penalties or refer cases for prosecution where appropriate. Sponsors must therefore comply with the conditions of their licences and only employ people who are legally allowed to work in the United Kingdom.

388. The government's action plan for preventing illegal working sets out a range of penalties. If we find sponsors are in breach of their duties we may visit their premises to help them to comply with the law. More information on the penalties for employing illegal workers is on our website at <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/preventingillegalworking/currentguidanceandcodes/summaryguidance0208.pdf>

389. Sponsors may face any of the following penalties:

- **written warning for employing an illegal worker**, followed by close attention from our enforcement and compliance teams;
- **being downgraded on the sponsorship register**. A sponsor's rating will be published, and prospective migrants will be able to see it. A B-rating will involve a detailed action plan of measures that the employer will need to comply with;
- **licence cancelled and removed from the sponsorship register**, so an employer is unable to bring any migrant worker to the United Kingdom or keep any existing migrant;
- **served with an on-the-spot fine** (known legally as a civil penalty) – if we find the employer is employing an illegal migrant worker, because of negligent recruitment practices we may issue him/her with a civil penalty for each illegal worker (under section 15 of the Immigration, Asylum and Nationality Act 2006). A sliding scale allows heavier penalties for repeat offenders;
- **prosecuted for having in his/her possession or under his/her control without reasonable excuse an identity document that is false or improperly obtained or that belongs to someone else**, which may result in an employer being imprisoned for up to two years and/or receiving an unlimited fine (under section 25 of the Identity Cards Act 2006);

- **prosecuted for knowingly employing an illegal migrant worker** – employers could be imprisoned for up to two years and/or receive an unlimited fine (under section 21 of the Immigration, Asylum and Nationality Act 2006);
- **disbarred as a company director or officer as a result of prosecution** – employers convicted of knowingly employing an illegal migrant worker could be disqualified from forming or managing a company (under section 2 of the Company Directors Disqualification Act 1986);
- **prosecuted for facilitation or trafficking** – employers could be imprisoned for up to 14 years and/or receive an unlimited fine (under section 25 of the Immigration Act 1971, as amended by section 4 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004).

390. Employers found to be knowingly employing illegal migrant workers face tough penalties including an unlimited fine and/or a maximum of two years imprisonment. (This is under the Immigration, Asylum and Nationality Act 2006). We have a system of civil penalties for employers who employ illegal migrant workers because their recruitment and employment practices are negligent, or not careful enough. Employers can protect themselves from facing these fines by carrying out specific document checks when recruiting a new member of staff. Employers should also make further checks on documents at specified intervals when an employee has a time limit on his/her limited leave to enter or remain in the United Kingdom.

391. If a sponsor has breached its sponsorship duties or committed offences under civil penalties legislation and is also regulated by the Gangmasters Licensing Authority (GLA), the OISC or another government body, we will inform that body so that it can consider appropriate action.

Sponsor ratings

392. When we licence a sponsor, we will award an A-rating or B-rating. We will rate each application on its own merits. The rating will reflect any track record the sponsor has in employing or teaching migrants. The sponsor's rating will appear on the published register of licensed sponsors.

393. If we decide to suspend a sponsor, we will remove the sponsor's ratings from the public version of the register during the suspension period. If the

suspension is lifted we will reinstate the sponsor's name on the register with the ratings awarded.

394. An A-rated sponsor is one with no evidence of abuse that has all the necessary systems in place to meet its duties. However, we may give a B-rating if there is previous evidence of abuse or if a visiting officer finds evidence that systems are not in place or not adequate to meet the sponsor's duties.

395. A sponsor's rating will usually be the same for all the tiers in which it is registered. However, in exceptional cases, if a sponsor is performing poorly in its duties in only one tier, we will apply the B-rating only to that tier. For example, we might do this if a college has adequate procedures in place for managing its migrant workers, but not for overseas students.

Circumstances in which we will award the prospective sponsor a B-rating

396. We will award a B-rating if:

- a.** the prospective sponsor or another relevant person has been issued with one of the "offence" listed in Appendix C within the five years ending on the date of application, unless:
 - i.** we withdrew that penalty or it was cancelled on appeal; or
 - ii.** the sponsor or another relevant person has been issued with a maximum civil penalty within the previous six months, in which case we will refuse the application instead;
- b.** the applicant is an existing sponsor applying to renew its licence and is already B-rated (unless we are satisfied that it has successfully completed its action plan).

Circumstances in which we may award the prospective Sponsor a B-rating

397. We may award a B-rating if, the prospective sponsor or another relevant person has a conviction for serious offences to do with how it runs its business and this makes us doubt its suitability as a sponsor (for example a conviction under the National Minimum Wage Act or for benefit fraud). We will not take into account convictions that are spent under the provisions of the Rehabilitation of Offenders Act 1974. (Convictions may become 'spent' after specified periods of time from the date of conviction if there are no further convictions

during that time. Spent convictions are disregarded for certain purposes).

398. In the circumstances above, we will consider, among other things, the seriousness of the offence, for example any penalty or sentence imposed by the court, and what has been done since then to improve the circumstances which led to the conviction. For example, if the offence was committed by a member of staff, we would consider any action the sponsor may have taken against that person.

399. We will hold the sponsor **fully responsible** for anything done by an employee who appears to act on the sponsor's behalf. We may withdraw a sponsor's licence or downgrade it to a B-rating if it does not comply with the rules on issuing or allocating certificates.

B-rated sponsors

400. If a sponsor has not fully complied with its duties, but has not acted in a way serious enough for us to withdraw its licence, we will award it a B-rating. We will usually also award a B-rating to sponsors that have previously had a licence withdrawn.

401. We are likely to inspect B-rated sponsors more frequently and extensively. When deciding what monitoring is necessary, we will be guided by our assessment of the potential risk sponsors pose to immigration control.

402. A B-rated sponsor must also comply with an **action plan** within a set time. The plan will set out the steps the sponsor needs to take in order to gain or regain an A-rating. An action plan for B-rated sponsors may lay down additional duties. If the sponsor does not comply with this plan, it is likely to lose its licence altogether and so be unable to bring to the United Kingdom any migrants who are not settled in United Kingdom.

Sponsorship action plans

403. A B-rating is a **transitional rating**. This means that we will expect a B-rated sponsor to have improved its performance enough to be upgraded to an A-rating within a relatively short time. If it does not, it risks having its licence withdrawn.

404. To help the sponsor, we will negotiate an **action plan** that lists the steps the sponsor needs to take to fully comply with its duties and obtain an A-rating. For example, this might include making specific improvements to its recordkeeping, improving its control over the staff employed to issue certificates of sponsorship or improving communication between different branches of the business so it knows when a migrant has not turned up for work.

405. The plan will be drawn up jointly by us and the sponsor. However, we will have the final say over its contents and may set an action plan even if the sponsor does not agree.

406. If the sponsor fails to comply with an action plan, we may withdraw its licence.

407. The action plan will usually cover a period of about three months, but this may be longer or shorter in appropriate circumstances. At the end of this period, we will decide whether the sponsor should be upgraded to an A-rating. If this is not appropriate, we will normally withdraw the sponsor's licence. However, in exceptional circumstances, where significant progress has been made, we may decide to keep the sponsor on a B-rating and draw up a new action plan. In deciding whether to draw up a new action plan, we will take into account all the circumstances, including whether the sponsor has:

- i.** made genuine attempts to meet the requirements of the action plan; and
- ii.** shown that circumstances outside its control prevented it from meeting the requirements.

408. These are not the only reasons for drawing up a new action plan and the sponsor will need to prove why circumstances justify it.

409. The maximum period that a sponsor can be subject to an action plan is 12 months. We will review the position every three months. A sponsor that is still B-rated after 12 months will automatically lose its licence.

Other consequences of a B-rating

410. B-rated sponsors may have to meet additional duties. For example, we may require a B-rated sponsor to tell us when a migrant arrives for work or study, rather than simply telling us if he/she does

not turn up. We will inform each B-rated sponsor of any additional duties that apply to it.

411. We are likely to inspect B-rated sponsors more frequently and extensively.

Enforcing compliance with the sponsor's duties

412. We know that the vast majority of those who employ or teach overseas workers or students are honest and will comply with their duties. However, we have a duty to ensure that we deal appropriately with the minority who do not comply.

413. We have therefore introduced the following procedures to ensure that we enforce sponsors' duties, identify dishonest or incompetent sponsors quickly, and cancel their licence and punish them. As well as taking enforcement action for sponsorship, we will punish any sponsors that breach the laws on illegal working. Our staff will be trained and equipped to issue civil penalties and will refer more serious offences for prosecution.

Downgrading to a B-rating

414. Where we believe a sponsor has not been complying with its duties, has been dishonest in dealing with us or poses a threat to immigration control, we may withdraw its licence or downgrade it to a B-rating. We will give the sponsor an opportunity to explain its case to us before taking any action.

Circumstances in which we will downgrade an A-rated sponsor to a B-rating

415. We will downgrade a sponsor if we issue it with a civil penalty for an "offence" listed in Appendix C, unless we withdrew the penalty or it was cancelled on appeal. However, if the organisation was issued with a maximum civil penalty, we will refuse its application or withdraw its licence.

Circumstances in which we may downgrade an A-rated Sponsor to a B-rating

416. We will do this if the sponsor, or another relevant person, has been convicted of serious offences to do with how it runs its business and this makes us doubt its suitability as a sponsor (such as a conviction under the National Minimum Wage Act

or for benefit fraud). We will not take into account convictions that are spent under the provisions of the Rehabilitation of Offenders Act 1974. (Convictions may become ‘spent’ after specified periods of time from the date of conviction if there are no further convictions during that time. Spent convictions are disregarded for certain purposes.)

417. In the circumstances above, we will take into account, among other things, how serious the offence was, the penalty the court imposed and, if the offence was committed by an individual member of staff, any action the sponsor took against that person.

Withdrawal of a sponsor’s licence

418. If a sponsor’s licence is withdrawn it will be withdrawn from all the tiers, categories and sub-categories in which it is registered.

Circumstances in which we will withdraw a sponsor’s licence

419. A sponsor will lose its licence if:

- a.** it stops trading or operating for any reason including insolvency;
- b.** it stops being accredited or registered with any body that it needs to be accredited or registered with in order to obtain a licence. For example, we will withdraw an educational institution’s licence if it loses its accreditation with the appropriate accrediting body;
- c.** it, or another relevant person, is issued with a civil penalty for employing one or more illegal workers (under Section 15 of the Immigration, Asylum and Nationality Act 2006), and the fine imposed for at least one of those workers is set at the **maximum** amount (currently £10,000), unless we withdraw or reduce the penalty or it is cancelled or reduced on appeal;
- d.** it has been B-rated and has not complied with an action plan for a period of 12 months or more.

Circumstances in which we will normally withdraw a sponsor’s licence

420. A sponsor will normally lose its licence if:

- a.** it, or another relevant person, is convicted of one of the following offences (unless the conviction is spent under the Rehabilitation of Offenders Act 1974):

- i.** any offence under the Immigration Act 1971; the Immigration Act 1988; the Asylum and Immigration Appeals Act 1993; the Immigration and Asylum Act 1999; the Nationality, Immigration and Asylum Act 2002; the Immigration, Asylum and Nationality Act 2006; or the UK Borders Act 2007;
- ii.** trafficking for sexual exploitation; or
- iii.** any other offence which, in our opinion, indicates that he/she poses a risk to immigration control, for example, offences involving dishonesty or deception, including any of the offences listed in Appendix B. Any other unspent convictions could also lead to an application being refused; or

b. it or another relevant person is dishonest in any dealings with us. This includes, among other things:

- i.** making false statements, or failing to disclose any essential information, when applying for a sponsor licence; or
- ii.** making false statements, or failing to disclose any essential information, when issuing a certificate of sponsorship (for example falsely claiming to have complied with the resident labour market test);

c. it employs a migrant in a job that would not satisfy the appropriate skill level, i.e. in Tier 2 a skill level equivalent to S/NVQ level 3 or above;

d. it fails to pay a migrant in the Tier 2 (skilled workers) category at least the salary (and/or allowances or benefits) specified on the certificate of sponsorship;

e. it or another relevant person becomes legally prohibited from acting as a company director (except through becoming an un-discharged bankrupt);

f. it or another relevant person has been issued with a civil penalty for an “offence” listed in Appendix C, and has failed to pay it within the time allowed (unless we withdrew the penalty or it was cancelled on appeal); or

g. it fails to comply with an action plan we set.

421. We cannot define precisely in which exceptional circumstances we may **not** withdraw a sponsor’s licence when one of the above circumstances applies. However, we regard this seriously and would look for evidence that the sponsor was either

not responsible for what happened or, if it was, took prompt and effective action to remedy the situation when it came to light. For example:

- i. one of the sponsor's employees was wholly responsible for the dishonesty and that person was dismissed when it came to light; or
- ii. a migrant was paid the wrong salary because of a problem with the sponsor's payroll system but this was corrected as soon as possible.

422. If one of the above circumstances applies and we do not withdraw the licence, we are likely to downgrade the sponsor to a B-rating.

Circumstances in which we may withdraw a sponsor's licence

423. We may withdraw a sponsor's licence if:

- a. it fails to comply with any of its duties;
- b. as a result of information available to our visiting officers, we are not satisfied that the sponsor is using the processes or procedures necessary to fully comply with its duties;
- c. it or another relevant person is convicted of an offence that we consider to be serious. We will not take into account convictions that are spent under the Rehabilitation of Offenders Act 1974;
- d. we find that migrants that it has sponsored have not complied with the conditions of their permission to stay in the United Kingdom and the sponsor has not been following good practice guidance set out by us or a sector body;
- e. it or any organisation that it, or another relevant person, has been involved with in a similar role has its authorisation removed by the Office of the Immigration Services Commissioner (OISC) under the Immigration and Asylum Act 1999. (This applies to individuals or organisations that provide immigration advice or services.)

424. If we decide not to withdraw the sponsor's licence in one or more of the above circumstances, we may downgrade it to a B-rating.

Suspending a licence

425. If we have reason to believe that a sponsor is seriously breaching its duties and poses a major threat to immigration control (for example, allocating certificates of sponsorship to migrants who do not qualify to come to the United

Kingdom), we may suspend its licence while we follow our procedures. This will include removing the sponsor's rating from our website. The sponsor will not be able to issue any certificates of sponsorship while it is suspended, but must still comply with all the duties of a sponsor for the migrants it currently sponsors.

426. If a sponsor is suspended it will be suspended in all the tiers, categories and sub-categories in which it is registered.

427. If we decide to suspend a sponsor, we will remove the sponsor's ratings from the public version of the register during the suspension period. If the suspension is lifted we will reinstate the sponsor's name on the register with the ratings awarded.

428. Migrants who are being sponsored at the time of the suspension will not be affected, unless, when we finish considering the case, we decide to withdraw the sponsor's licence.

429. We will lift the suspension and reinstate the sponsor's rating on our website if we decide not to withdraw a sponsor's licence.

Principles we will follow in deciding what (if any) action to take

430. Unless withdrawal of a licence is mandatory, we will take all the facts of the case into account when deciding what action to take against a sponsor under one or more of the above circumstances. No two cases will be alike, so we cannot list all the circumstances in which we will withdraw a licence, downgrade it or take no action. We will consider:

- a. the seriousness of the sponsor's actions and the harm done. We will treat seriously things the sponsor has done or failed to do that have resulted in migrants going missing;
- b. whether the sponsor's actions are part of a consistent or sustained record of non-compliance or poor compliance or are a single event;
- c. any action the sponsor has taken to minimise the consequences of what it has done or failed to do. For example, it may help if it tells us quickly that migrants it is sponsoring have stopped coming to work or courses. If an individual member of its staff is responsible for the problem, we will take into account any action it has taken against that person. For example,

it should tell us if it has dismissed the person, moved him/her to another area of work, or restrained him/her, as appropriate. However, we will treat the situation more seriously if we are sure the sponsor was involved in the actions of its staff or deliberately ignored what they were doing;

d. any civil penalties the sponsor is issued with for an “offence” listed in Appendix C unless we withdrew the penalty or it was cancelled on appeal.

431. Following any action a visiting officer may take that leads to recommendations to withdraw a sponsor’s licence or downgrade a sponsor, we will write to the sponsor to tell it what action we propose to take and why.

432. All action recommended by a visiting officer will be carried out by the Sponsor Licensing Unit.

433. The sponsor will have 28 calendar days to respond in writing to our letter. We may extend this period at the sponsor’s request if we are satisfied that there are exceptional circumstances. The sponsor may make any written statements it thinks are necessary to respond, including sending evidence. However, we will not hold an oral hearing.

434. When we receive a response from a sponsor, the Sponsor Licensing Unit will consider the response and may ask the relevant visiting officer for information. We will notify the sponsor of our decision within 14 calendar days of receiving its response.

435. If the sponsor’s response is complex or we require further advice before making a final decision, the reviewing officer has the right to ask for more advice before making the final decision.

436. If we do not receive a response from the sponsor within the time allowed, the Sponsor Licensing Unit will take the appropriate action recommended by the visiting officer and notify the sponsor of its decision in writing.

437. Any decision to downgrade the sponsor or to withdraw its licence will take effect from the date of the letter we send the sponsor to tell it about our decision. We will send this letter by recorded delivery.

438. If we are considering action against the sponsor that could lead to us withdrawing its licence and it has not had its licence suspended, the sponsor may be able to continue issuing certificates of sponsorship during the time when responses are being sent or considered.

439. However, any migrants to whom the sponsor has issued certificates of sponsorship will not have their applications for entry clearance or leave to remain considered until we have made a final decision on the status of the sponsor.

Treatment of migrants

Treatment of migrants when we are considering action against the sponsor

440. If we are considering action against a sponsor that could lead to us withdrawing its licence, we will not consider an application for entry clearance or leave to remain by any migrant to whom the sponsor has issued a certificate of sponsorship until we have made a decision on the sponsor’s status.

441. If a migrant has been given entry clearance on the basis of a certificate of sponsorship issued by that sponsor but has not yet travelled to the United Kingdom we will try to contact him/her to advise him/her not to travel until we have made a decision on the sponsor’s licence.

442. During the time that a sponsor’s response is being prepared or considered, migrants who have been given a certificate of sponsorship by the sponsor and are already in the United Kingdom will not be told about the suspension.

Treatment of migrants when we withdraw a sponsor’s licence

443. When we withdraw a sponsor’s licence, we will:

- i.** Immediately end (curtail) the permission to stay in the United Kingdom of any migrants whom we believe were actively involved (complicit) in any dishonesty by the former sponsor (for example, if the migrant agreed that the sponsor would arrange a non-existent job for him/her so he/she could come to the United Kingdom); and
- ii.** reduce the length of the permission to stay in the United Kingdom of any other migrants (those who were not actively involved) to 60

calendar days, to give them a chance to find a new sponsor.

444. In the first case above, the migrant will have to leave the United Kingdom or face enforced removal. In the second case above, he/she will also have to leave or face enforced removal if, at the end of the 60 calendar days, he/she has not found a new sponsor.

445. We will take action against any migrant who remains in the United Kingdom after his/her permission to stay here has expired. This may result in migrants being detained and forcibly removed from the country. Any applications he/she makes to come to the United Kingdom within the next 10 years may also be refused.

Migrants who have not yet travelled to the United Kingdom when we withdraw the sponsor's licence

446. When a sponsor has its licence withdrawn, any certificate of sponsorship it has issued will automatically become invalid. This means that any application for entry clearance or leave to remain made on the basis of such a certificate of sponsorship will automatically be refused.

447. Where the migrant has already been granted entry clearance when we withdraw his or her sponsor's licence, the entry clearance will be cancelled under paragraph 30A (ii) of the immigration rules, if he or she has not yet travelled to the United Kingdom. If the migrant has travelled to the United Kingdom, he or she will be refused entry to the country under paragraph 321(ii) of the immigration rules.

Re-applying for a licence

448. The sponsor can apply to rejoin the register if its licence was withdrawn because of an error or failure to do something that the sponsor can show it has corrected, for example, failing to maintain the sponsorship management system as directed in the sponsor duties.

449. If we have refused the application for the reasons listed in paragraph 374 (c) above, the prospective sponsor should not reapply until six months after the relevant civil penalty was issued. If it

does reapply before this date, we will refuse the application.

450. When a sponsor reapplies after we have withdrawn its licence, we will treat it as a fresh application and the sponsor will have to pay the appropriate fee and produce all relevant documents appropriate to the tier, category, or sub-category it is applying for.

Renewing a licence

451. A licence will last for **four years**, unless we withdraw it or the sponsor surrenders it before then. The four years will run from the date on which:

- the licence was issued; or
- it first became possible to issue certificates of sponsorship under a tier, category, or sub-category to which the licence relates

whichever is the later.

452. If a sponsor has been issued with a licence and subsequently applies for an additional tier, category or sub-category, the expiry date of the original licence will apply to all additional tiers.

453. If a sponsor's licence expires at the end of this period and is not renewed, the organisation will lose the right to issue certificates of sponsorship, and will not be able to continue to act as a sponsor and any existing migrants' leave will be curtailed.

454. A sponsor should therefore apply to renew its licence before it expires. We will remind it of the need to renew before the licence expires, but it is the sponsor's responsibility to renew. We will not accept late applications for renewal, and the sponsor will need to re-apply for a licence.

455. A sponsor that has sponsored migrants working for, or studying with it will need to renew its licence for as long as it wishes to continue employing them or having them as students. This applies even if it does not propose to sponsor any new migrants.

456. A sponsor must renew its licence every four years to satisfy us that it is still operating and still wishes to be a sponsor. We will deal with applications for renewal in the same way as we deal with applications for a new licence at the time of the application for renewal. The sponsor will not usually need to provide the documents it sent with its initial application for a licence. However, it will normally

need to provide its previous year's accounts (where relevant) to show that it is still operating lawfully in the United Kingdom. We may ask for other documents if the circumstances require it.

457. Provided the sponsor applies to renew its licence before it has expired, it will be able to continue acting as a sponsor (for example by issuing certificates of sponsorship and keeping current migrants) until we have made a decision on its renewal application.

Surrendering a licence

458. A licence holder that no longer wishes to sponsor migrants, and has no sponsored migrants currently working for or studying with it, may surrender its licence by writing to us using the sponsor change of circumstances form. We will then remove the organisation from the register of licensed sponsors, and it may apply for a new licence at any time.

459. The sponsor may choose to surrender its licence in all the tiers, categories and sub-categories it is licensed at the same time or it may choose to surrender part of its licence in certain tiers, categories or sub-categories. The sponsor will need to clearly indicate which part it is surrendering when submitting the sponsor change of circumstances form.

460. When the sponsor makes this request, it will be required to provide evidence that it no longer has responsibility for any migrants whom it may have previously sponsored in that tier, category or sub-category. If it has any such migrants, we will withdraw the sponsor's licence and remove the migrants' permission to stay in the United Kingdom and may remove them from the country.

Sponsor change of circumstances form

461. As part of its duties, a sponsor must notify us of any changes to its details. When a sponsor has been successfully licensed, it should tell us about any changes using a sponsor change of circumstances form, which can be downloaded from our website at: <http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/changeofcircumstance>

462. The sponsor or its legal representative should print off the form from the website, fill in the necessary details and post it to us at the address shown on the form, enclosing any specified documents.

463. This form should be used to tell us about any changes to the organisation's details, including:

- i.** changes to the organisation's address;
- ii.** change of authorising officer, key contact or level 1 user;
- iii.** organisation restructure details;
- iv.** appointing or removing a legal representative;
- v.** an update on criminal convictions;
- vi.** changes to accreditation or registration status;
- vii.** any change to the number of certificates of sponsorship required;
- viii.** withdrawing an application; or
- ix.** surrendering the licence.

Amendments to the sponsorship policy

464. This guidance is on our website at <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/>. We may amend this it at any time. Sponsors and other interested parties should check the website regularly for the most up-to-date version. We will tell sponsors about any changes to their duties by emailing the authorising officer.

465. Where possible, we will consult sponsors through our established stakeholder taskforces before making any major changes. However, we may occasionally need to amend the guidance at short notice to deal with situations that have arisen, which means that we may not be able to consult in those cases.

Complaints

466. A sponsor that is dissatisfied with any aspect of our service can make use of our complaints procedure. More information about this is on our website at <http://www.ukba.homeoffice.gov.uk/contact/makingacomplaint/>.

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
<p>Start-up Companies</p>	<p>If the organisation applying for a sponsor licence is a business that has been trading or operating in the United Kingdom for less than 18 months at the time of its application, the following must be provided:</p> <ul style="list-style-type: none"> •All documents from List A; plus •The primary documents from List B applicable to the type of organisation; plus •Any of the documents from List C that the organisation is able to provide. This should bring the total number of documents to be provided to a minimum of 4. 	<p>Evidence demonstrating that the company has a current, corporate bank account with a bank registered by the Financial Services Authority in the United Kingdom;</p>	<p>CSCI Certificate, clearly showing the ratings received from the Local Authority. All care homes in England must be registered with the Commission for Social Care Inspection, in Scotland with the Scottish Commission for the Regulation of Care, in Wales with the Care and Social Services Inspectorate for Wales, and in Northern Ireland with the Regulation and Quality Improvement Authority (RQIA). This document is mandatory for any organisation whose business includes the running of a Nursing/Care home.</p>	<p>Company's VAT registration number and certificate of VAT registration.</p>
		<p>A letter from that bank setting out the dealings it has had with the company, including the nature and duration of its dealings.</p>	<p>Proof of Registration with the Register of Charities – verifiable by viewing either: 1) The Register on www.charitycommission.gov.uk or 2)The Office of the Scottish Charity Regulator (OSCR) if the charity is established in or operates in Scotland www.oscr.org.uk or 3) If the charity is either</p>	<p>Evidence of Registration with HM Revenue & Customs (HMRC) as an employer to pay PAYE & National Insurance. Provide proof of PAYE Reference Number & Accounts Office Reference Number.</p>

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
			<p>based in Northern Ireland or exempt from the requirement to register, proof of having obtained charitable status for tax purposes from HMRC.</p> <p>4) Proof that the organisation is an ecclesiastical corporation (either corporation sole or body corporate) established for charitable purposes.</p> <p>5) Charities who are not registered according to the relevant charity legislation must explain the reason for non-registration along with their application for a sponsor licence.</p> <p>In all cases, the relevant document from the above list is mandatory for any organisation that has already registered.</p>	
		<p>Employers Liability Insurance for at least 5 Million Pounds from an authorised insurer. (Authorised insurers are individuals or companies working under the terms of the Financial Services & Markets Act 2000. The Financial Services Authority (FSA) maintains a register of authorised insurers). This option does not apply to</p>	<p>Registration with a Governing Body. If an organisation needs to be registered under United Kingdom legislation in order to operate legally, provide evidence of the registration.</p>	<p>A letter from United Kingdom Trade and Investment, setting out the involvement it has had with the company in helping it to establish a business in the United Kingdom. See Appendix E for example letter.</p>

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
		sponsors based in Northern Ireland. A copy of this document may be provided if the original is legally required to be displayed at the sponsor's premises.		
			Franchise Agreement signed by both parties. This document is mandatory for any organisation that is a franchise.	Evidence of submitting returns to HM Revenue & Customs (HMRC) – Foreign Entertainers Unit.
			<p>1. Institutions which are subject to a system of review must provide proof that it has been inspected or audited by an appropriate body listed below:</p> <ul style="list-style-type: none"> •Quality Assurance Agency for Higher Education (United Kingdom-wide) •Ofsted •Her Majesty's Inspectorate of Education (Scotland) •Estyn (Wales) •Education and Training Inspectorate (Northern Ireland) •Independent Schools Inspectorate (ISI) <p>2. Institutions outside this system must provide proof that it holds valid accreditation from an accreditation body</p>	

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
			<p>mentioned below or that it has passed an inspection by the Office for Standards in Education (Ofsted):</p> <ul style="list-style-type: none"> •Ofsted - the Office for Standards in Education •Accreditation UK – a British Council scheme which offers an accreditation service for English language schools •BAC – the British Accreditation Council – which offers a more general accreditation service to cover a wide range of different educational establishments and their courses •ASIC – the Accreditation Service for International Colleges - which also offers a general accreditation service to cover a wide range of different educational establishments and their courses. <p>3. Institutions that offer short-term “study abroad” programmes in their own premises in the United Kingdom to students who are enrolled in their home country,</p>	

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
			<p>will need to provide the following:</p> <ul style="list-style-type: none"> •Overseas accreditation, which can be confirmed by NARIC, that the overseas Higher Education institution's programmes are United Kingdom Higher Education equivalents. This overseas accreditation must be from a nationally recognised accrediting body clearly stating their name and be accompanied by a certified copy of the appropriate web page for the institution showing that accreditation; and •Proof that they only teach part of their programmes in the United Kingdom. The information submitted should verify that students are studying in the United Kingdom for no more than one academic year (i.e. one semester, two semesters, 2 terms, etc.) <ul style="list-style-type: none"> a) Original letter from the home campus confirming the above or b) original brochure/leaflet/catalogue confirming the above 	

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			<p>or</p> <p>c) certified copy of appropriate information from the institutional web site confirming the above; and</p> <ul style="list-style-type: none"> •Proof that they have full legal control of the premises they use. For example, original or certified copy of licence, lease, or proof of ownership. •NB: Those that offer study abroad programmes on a franchise basis via a third party in the United Kingdom will need to provide proof that their contractor is accredited in the United Kingdom (please see 1 or 2 above). <p>In all cases, the relevant document from the above list is mandatory for any organisation who is an Educational Institution.</p>	

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
			<p>The letter from the UK Border Agency, Chief Executive, confirming the acceptance of the government authorised exchange scheme. This document is mandatory for any organisation that is applying for a Licence under Tier 5 Government Authorised Exchange sub-category.</p>	
			<p>Prospective Sponsors must provide evidence to show that a contract was tendered and awarded under the GATS agreement. This document is mandatory for any organisation that is applying for a Licence under Tier 5 International Agreement sub-category, wishing to Sponsor migrants under GATS.</p>	

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
<p>Public Limited Companies:</p>	<p>If the organisation applying for a sponsor licence is a Public Limited Company, the following must be provided:</p> <ul style="list-style-type: none"> •If the organisation is registered on the London Stock Exchange or one of the FSA approved stock exchanges, (http://www.fsa.gov.uk/register/exchanges.do), it will need to provide proof of registration with the stock exchange as mentioned in List B; •Any of the primary documents from List B applicable to the type of organisation (for example, nursing home - CSCI certificate); and/or •One other document from List B or List C. <p>If the organisation is not registered on one of the approved stock exchanges, a minimum of four documents, as described below, must be provided:</p> <ul style="list-style-type: none"> •The primary documents from List B applicable to the type of organisation; and/or •Any of the documents from 		<p>Proof of listing on the London Stock Exchange, either for the Main Market or AIM http://www.londonstockexchange.com or Proof of listing for overseas companies on the London Stock Exchange under the International companies listing.</p>	<p>Employers Liability Insurance for at least 5 Million Pounds from an authorised insurer. (Authorised insurers are individuals or companies working under the terms of the Financial Services & Markets Act 2000. The Financial Services Authority (FSA) maintains a register of authorised insurers). This option does not apply to sponsors based in Northern Ireland. A copy of this document may be provided if the original is legally required to be displayed at the sponsor's premises.</p>

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
	List C that the organisation is able to provide. This should bring the total number of documents to be provided to a minimum of 4.			
			Proof of listing on one of the FSA approved international stock exchanges http://www.fsa.gov.uk/register/exchanges.do	Latest Annual self-assessment tax return to HM Revenue & Customs (HMRC) - Statement of Account (SA300 or SA302).
			Registration with a Governing Body. If an organisation needs to be registered under United Kingdom legislation in order to operate legally, provide evidence of the registration.	Current Financial Report or Audited Annual Report with the name of the Accountant clearly shown. The Accountant should be a member of an Accredited Accounting Body (CIMA, CIPFA, ACCA, ACA etc)
			Organisations latest Audited Annual Accounts with the name of the Accountant clearly shown. The Accountant should be a member of an Accredited Accounting Body (CIMA, CIPFA, ACCA, ACA etc). Where an organisation is legally obliged to submit audited accounts, one of the four documents must be its most recent set of audited accounts.	Certificate of VAT registration and latest VAT return confirming VAT registration number. (If turnover in excess of £64,000)

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
			Franchise Agreement signed by both parties. This document is mandatory for any organisation that is a franchise.	Evidence of Registration with HM Revenue & Customs (HMRC) as an employer to pay PAYE & National Insurance. Provide proof of PAYE Reference Number & Accounts Office Reference Number.
			CSCI Certificate, clearly showing the ratings received from the Local Authority. All care homes in England must be registered with the Commission for Social Care Inspection, in Scotland with the Scottish Commission for the Regulation of Care, in Wales with the Care and Social Services Inspectorate for Wales, and in Northern Ireland with the Regulation and Quality Improvement Authority (RQIA). This document is mandatory for any organisation whose business includes the running of a Nursing/Care home.	Latest Corporate/Business Bank Statement along with a letter from the Bank setting out the dealings it has had with the organisation, including the nature and duration of its dealings.
			Proof of Registration with the Register of Charities – verifiable by viewing either: 1) The Register on www.charitycommission.gov.uk or	Latest Notice to file a Company Tax Return - CT603 & Company Tax Return -CT600.

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
			<p>2) The Office of the Scottish Charity Regulator (OSCR) if the charity is established in or operates in Scotland www.oscr.org.uk or</p> <p>3) If the charity is either based in Northern Ireland or exempt from the requirement to register, proof of having obtained charitable status for tax purposes from HMRC.</p> <p>4) Proof that the organisation is an ecclesiastical corporation (either corporation sole or body corporate) established for charitable purposes.</p> <p>5) Charities who are not registered according to the relevant charity legislation must explain the reason for non-registration along with their application for a sponsor licence.</p> <p>In all cases, the relevant document from the above list is mandatory for any organisation that has already registered.</p>	
			<p>The letter from the UK Border Agency, Chief Executive, confirming the acceptance of the government authorised exchange scheme. This</p>	<p>Proof of ownership of Business Premises and other Fixed Assets or Proof of Lease of Business Premises.</p>

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
			document is mandatory for any organisation that is applying for a Licence under Tier 5 Government Authorised Exchange sub-category.	
			Prospective Sponsors must provide evidence to show that a contract was tendered and awarded under the GATS agreement. This document is mandatory for any organisation that is applying for a Licence under Tier 5 International Agreement sub-category, wishing to Sponsor migrants under GATS.	Evidence of submitting returns to HM Revenue & Customs (HMRC) – Foreign Entertainers Unit.
Public Bodies:	A public body will automatically be accepted as bona fide. A “public body”, for this purpose, means a body that appears in the Public Bodies’ Directory issued annually by the Cabinet Office - http://www.civilservice.gov.uk/other/agencies . - In these cases no documentation is required. If they do not appear on the above website, but are a public body, the prospective sponsor must provide a link to their		The letter from the UK Border Agency, Chief Executive, confirming the acceptance of the government authorised exchange scheme. This document is mandatory for any organisation that is applying for a Licence under Tier 5 Government Authorised Exchange sub-category.	

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
	<p>sponsor Dept’s website that clearly sets out that they are a public body, or a document produced by their sponsor Dept that states the same or a local authority that appears on the list of such authorities published at www.directgov.uk and wherever applicable documents from List B.</p>		<p>Prospective Sponsors must provide evidence to show that a contract was tendered and awarded under the GATS agreement. This document is mandatory for any organisation that is applying for a Licence under Tier 5 International Agreement sub-category, wishing to Sponsor migrants under GATS.</p>	
<p>Overseas Governments or International Organisations or Diplomatic Missions</p>	<p>These types of organisation must provide evidence specified in List A and those specified in List B that are applicable to them.</p>	<p>A signed letter from the Head of the Mission (or international organisation or overseas government) or his or her delegated person confirming that they are seeking a place on the Sponsor Register.</p>	<p>The letter from the UK Border Agency, Chief Executive, confirming the acceptance of the government authorised exchange scheme. This document is mandatory for any organisation that is applying for a Licence under Tier 5 Government Authorised Exchange sub-category.</p>	
			<p>Prospective Sponsors must provide evidence to show that a contract was tendered and awarded under the GATS agreement. This document is mandatory for any organisation that is applying for a Licence under Tier 5 International Agreement sub-category, wishing to Sponsor migrants under GATS.</p>	

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
<p>Private Limited Company, Limited Liability Company, Un Limited Company, Companies Limited By Guarantee, Company incorporated under the Industrial and Provident Societies Act 1968, Branch Office of an Overseas Company, Legal representative Office of an Overseas Company or Limited Liability Partnership or Limited Partnership: (Other than a Start-Up Company as defined above)</p>	<p>If the organisation applying for a sponsor licence is one listed alongside, a minimum of four documents, as described below, must be provided:</p> <ul style="list-style-type: none"> •The primary documents from List B applicable to the type of organisation; and/or •Any of the documents from List C that the organisation is able to provide. This should bring the total number of documents to be provided to a minimum of 4. 		<p>Registration with a Governing Body. If an organisation needs to be registered under United Kingdom legislation in order to operate legally, provide evidence of the registration.</p>	<p>Employers Liability Insurance for at least 5 Million Pounds from an authorised insurer. (Authorised insurers are individuals or companies working under the terms of the Financial Services & Markets Act 2000. The Financial Services Authority (FSA) maintains a register of authorised insurers). This option does not apply to sponsors based in Northern Ireland. A copy of this document may be provided if the original is legally required to be displayed at the sponsor's premises.</p>
			<p>Organisations latest Audited Annual Accounts with the name of the Accountant clearly shown. The Accountant should be a member of an Accredited Accounting Body (CIMA, CIPFA, ACCA, ACA etc). Where an organisation is legally obliged to submit audited accounts, one of the four documents must be its most recent set of audited accounts.</p>	<p>Latest Annual self-assessment tax return to HM Revenue & Customs (HMRC) - Statement of Account (SA300 or SA302).</p>

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
			<p>CSCI Certificate, clearly showing the ratings received from the Local Authority. All care homes in England must be registered with the Commission for Social Care Inspection, in Scotland with the Scottish Commission for the Regulation of Care, in Wales with the Care and Social Services Inspectorate for Wales, and in Northern Ireland with the Regulation and Quality Improvement Authority (RQIA). This document is mandatory for any organisation whose business includes the running of a Nursing/Care home.</p>	<p>Evidence of Registration with HM Revenue & Customs (HMRC) as an employer to pay PAYE & National Insurance. Provide proof of PAYE Reference Number & Accounts Office Reference Number.</p>
			<p>Proof of Registration with the Register of Charities – verifiable by viewing either: 1) The Register on www.charitycommission.gov.uk or 2) The Office of the Scottish Charity Regulator (OSCR) if the charity is established in or operates in Scotland www.oscr.org.uk or 3) If the charity is either based in Northern Ireland or exempt from the requirement to register, proof of having</p>	<p>Current Financial Report or Audited Annual Report with the name of the Accountant clearly shown - The Accountant should be a member of an Accredited Accounting Body (CIMA, CIPFA, ACCA, ACA etc)</p>

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
			<p>obtained charitable status for tax purposes from HMRC.</p> <p>4) Proof that the organisation is an ecclesiastical corporation (either corporation sole or body corporate) established for charitable purposes.</p> <p>5) Charities who are not registered according to the relevant charity legislation must explain the reason for non-registration along with their application for a sponsor licence.</p> <p>In all cases, the relevant document from the above list is mandatory for any organisation that has already registered.</p>	
			<p>Franchise Agreement signed by both parties. This document is mandatory for any organisation that is a franchise.</p>	<p>Certificate of VAT registration and latest VAT return confirming VAT registration number. (If turnover in excess of £64,000)</p>
			<p>The letter from the UK Border Agency, Chief Executive, confirming the acceptance of the government authorised exchange scheme. This document is mandatory for any organisation that is applying for a Licence under Tier 5 Government Authorised Exchange sub-category.</p>	<p>Latest Corporate/Business Bank Statement along with a letter from the Bank setting out the dealings it has had with the organisation, including the nature and duration of its dealings.</p>

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
			Prospective Sponsors must provide evidence to show that a contract was tendered and awarded under the GATS agreement. This document is mandatory for any organisation that is applying for a Licence under Tier 5 International Agreement sub-category, wishing to Sponsor migrants under GATS.	Latest Notice to file a Company Tax Return - CT603 & Company Tax Return -CT600.
				Proof of ownership of Business Premises and other Fixed Assets or Proof of Lease of Business Premises.
				Evidence of submitting returns to HM Revenue & Customs (HMRC) – Foreign Entertainers Unit.
Self Employment – Partnership, Sole Trader, Franchise	If the organisation applying for a sponsor licence is one listed alongside, a minimum of four documents , as described below, must be provided: <ul style="list-style-type: none"> •The primary documents from List B applicable to the type of organisation; and/or •Any of the documents from List C that the organisation is able to provide. This should bring the total number of 		Registration with a Governing Body. If an organisation needs to be registered under United Kingdom legislation in order to operate legally, provide evidence of the registration.	Employers Liability Insurance for at least 5 Million Pounds from an authorised insurer. (Authorised insurers are individuals or companies working under the terms of the Financial Services & Markets Act 2000. The Financial Services Authority (FSA) maintains a register of authorised insurers). This option does not apply to sponsors based in Northern

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
	documents to be provided to a minimum of 4.			Ireland. A copy of this document may be provided if the original is legally required to be displayed at the sponsor's premises.
			Organisations latest Audited Annual Accounts with the name of the Accountant clearly shown. The Accountant should be a member of an Accredited Accounting Body (CIMA, CIPFA, ACCA, ACA etc). Where an organisation is legally obliged to submit audited accounts, one of the four documents must be its most recent set of audited accounts.	Proof of registration with HM Revenue & Customs (HMRC) as self employed. Provide each partner's Unique Tax Reference Number (UTR) and/or the Partnerships/ Businesses Unique Tax Reference Number (UTR).
			CSCI Certificate, clearly showing the ratings received from the Local Authority. All care homes in England must be registered with the Commission for Social Care Inspection, in Scotland with the Scottish Commission for the Regulation of Care, in Wales with the Care and Social Services Inspectorate for Wales, and in Northern Ireland with the Regulation and Quality Improvement Authority (RQIA). This	Evidence of Registration with HM Revenue & Customs (HMRC) as an employer to pay PAYE & National Insurance. Provide proof of PAYE Reference Number & Accounts Office Reference Number.

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
			<p>document is mandatory for any organisation whose business includes the running of a Nursing/Care home.</p>	
			<p>Proof of Registration with the Register of Charities – verifiable by viewing either: 1) The Register on www.charitycommission.gov.uk or 2) The Office of the Scottish Charity Regulator (OSCR) if the charity is established in or operates in Scotland www.oscr.org.uk or 3) If the charity is either based in Northern Ireland or exempt from the requirement to register, proof of having obtained charitable status for tax purposes from HMRC. 4) Proof that the organisation is an ecclesiastical corporation (either corporation sole or body corporate) established for charitable purposes. 5) Charities who are not registered according to the relevant charity legislation must explain the reason for non-registration along with their application for a sponsor licence.</p>	<p>Certificate of VAT registration and latest VAT return confirming VAT registration number. (If turnover in excess of £64,000)</p>

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			<p>In all cases, the relevant document from the above list is mandatory for any organisation that has already registered.</p>	
			<p>Franchise Agreement signed by both parties. This document is mandatory for any organisation that is a franchise.</p>	<p>Latest Annual self-assessment tax return to HM Revenue & Customs (HMRC) - Statement of Account (SA300 or SA302).</p>
			<p>The letter from the UK Border Agency, Chief Executive, confirming the acceptance of the government authorised exchange scheme. This document is mandatory for any organisation that is applying for a Licence under Tier 5 Government Authorised Exchange sub-category.</p>	<p>Latest Corporate/Business Bank Statement along with a letter from the Bank setting out the dealings it has had with the organisation, including the nature and duration of its dealings.</p>
			<p>Prospective Sponsors must provide evidence to show that a contract was tendered and awarded under the GATS agreement. This document is mandatory for any organisation that is applying for a Licence under Tier 5 International Agreement sub-category, wishing to Sponsor migrants under GATS.</p>	<p>Proof of ownership of Business Premises and other Fixed Assets or Proof of Lease of Business Premises.</p>
				<p>Evidence of submitting returns to HM Revenue & Customs (HMRC) – Foreign Entertainers Unit.</p>

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Universities/Educational Institutions	<p>Educational institutions will need to show that they have been inspected/audited by an appropriate body or hold valid accreditation as detailed in List-A or if the institution is an overseas higher education institution that offers part term “study abroad” programmes in their own locations in the United Kingdom documents, as described below, must be provided:</p> <ul style="list-style-type: none"> •Mandatory documents as described in list A; and any •The primary documents from List B applicable to your organisation. 	<p>1. Institutions which are subject to a system of review must provide proof that it has been inspected or audited by an appropriate body listed below:</p> <ul style="list-style-type: none"> •Quality Assurance Agency for Higher Education (United Kingdom-wide) •Ofsted •Her Majesty’s Inspectorate of Education (Scotland) •Estyn (Wales) •Education and Training Inspectorate (Northern Ireland) •Independent Schools Inspectorate (ISI) <p>2. Institutions outside this system must provide proof that it holds valid accreditation from an accreditation body mentioned below or that it has passed an inspection by the Office for Standards in Education (Ofsted):</p> <ul style="list-style-type: none"> •Ofsted - the Office for Standards in Education •Accreditation UK – a British Council scheme which offers an accreditation service for English language schools •BAC – the British 	<p>The letter from the UK Border Agency, Chief Executive, confirming the acceptance of the government authorised exchange scheme. This document is mandatory for any organisation that is applying for a Licence under Tier 5 Government Authorised Exchange sub-category.</p>	

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
		<p>Accreditation Council – which offers a more general accreditation service to cover a wide range of different educational establishments and their courses</p> <ul style="list-style-type: none"> •ASIC – the Accreditation Service for International Colleges - which also offers a general accreditation service to cover a wide range of different educational establishments and their courses. <p>3. Institutions that offer short-term “study abroad” programmes in their own premises in the United Kingdom to students who are enrolled in their home country, will need to provide the following:</p> <ul style="list-style-type: none"> •Overseas accreditation, which can be confirmed by NARIC, that the overseas Higher Education institution’s programmes are United Kingdom Higher Education equivalents. This overseas accreditation must be from a nationally recognised accrediting body clearly stating their name and be accompanied by a certified 		

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
		<p>copy of the appropriate web page for the institution showing that accreditation; and</p> <ul style="list-style-type: none"> •Proof that they only teach part of their programmes in the United Kingdom. The information submitted should verify that students are studying in the United Kingdom for no more than one academic year (i.e. one semester, two semesters, 2 terms, etc.) <p>a) Original letter from the home campus confirming the above or b) original brochure/leaflet/catalogue confirming the above or c) certified copy of appropriate information from the institutional web site confirming the above; and</p> <ul style="list-style-type: none"> •Proof that they have full legal control of the premises they use. For example, original or certified copy of licence, lease, or proof of ownership. <p>NB - Those that offer study</p>		

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
		<p>abroad programmes on a franchise basis via a third party in the United Kingdom will need to provide proof that their contractor is accredited in the United Kingdom.</p> <p>In all cases, the relevant document from the above list is mandatory for any organisation who is an Educational Institution.</p>		
<p>Nursing Homes / Care Homes:</p>	<p>If the organisation applying for a sponsor licence is one listed alongside, a minimum of four documents, as described below, must be provided:</p> <ul style="list-style-type: none"> •All documents from List A; plus •The primary documents from List B applicable to the type of organisation; and/or •Any of the documents from List C that the organisation is able to provide. This should bring the total number of documents to be provided to a minimum of 4. 	<p>CSCI Certificate, clearly showing the ratings received from the Local Authority. All care homes in England must be registered with the Commission for Social Care Inspection, in Scotland with the Scottish Commission for the Regulation of Care, in Wales with the Care and Social Services Inspectorate for Wales, and in Northern Ireland with the Regulation and Quality Improvement Authority (RQIA). This document is mandatory for any organisation whose business includes the running of a Nursing/Care home.</p>	<p>Proof of listing on the London Stock Exchange, either for the Main Market or AIM http://www.londonstockexchange.com or Proof of listing for overseas companies on the London Stock Exchange under the International companies listing.</p>	<p>Employers Liability Insurance for at least 5 Million Pounds from an authorised insurer. (Authorised insurers are individuals or companies working under the terms of the Financial Services & Markets Act 2000. The Financial Services Authority (FSA) maintains a register of authorised insurers). This option does not apply to sponsors based in Northern Ireland. A copy of this document may be provided if the original is legally required to be displayed at the sponsor's premises.</p>

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
			Proof of listing on one of the FSA approved international stock exchanges http://www.fsa.gov.uk/register/exchanges.do	Proof of registration with HM Revenue & Customs (HMRC) as self Employed. Provide each partner's Unique Tax Reference Number (UTR) and/or the Partnerships/ Businesses Unique Tax Reference Number (UTR).
			Registration with a Governing Body. If an organisation needs to be registered under United Kingdom legislation in order to operate legally, provide evidence of the registration.	Evidence of Registration with HM Revenue & Customs (HMRC) as an employer to pay PAYE & National Insurance. Provide proof of PAYE Reference Number & Accounts Office Reference Number.
			Organisations latest Audited Annual Accounts with the name of the Accountant clearly shown. The Accountant should be a member of an Accredited Accounting Body (CIMA, CIPFA, ACCA, ACA etc). Where an organisation is legally obliged to submit audited accounts, one of the four documents must be its most recent set of audited accounts.	Certificate of VAT registration and latest VAT return confirming VAT registration number. (If turnover in excess of £64,000)

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
			<p>Proof of Registration with the Register of Charities – verifiable by viewing either:</p> <p>1) The Register on www.charitycommission.gov.uk or</p> <p>2) The Office of the Scottish Charity Regulator (OSCR) if the charity is established in or operates in Scotland www.oscr.org.uk or</p> <p>3) If the charity is either based in Northern Ireland or exempt from the requirement to register, proof of having obtained charitable status for tax purposes from HMRC.</p> <p>4) Proof that the organisation is an ecclesiastical corporation (either corporation sole or body corporate) established for charitable purposes.</p> <p>5) Charities who are not registered according to the relevant charity legislation must explain the reason for non-registration along with their application for a sponsor licence.</p> <p>In all cases, the relevant document from the above list is mandatory for any organisation that has already registered.</p>	<p>Latest Annual self-assessment tax return to HM Revenue & Customs (HMRC) - Statement of Account (SA300 or SA302).</p>

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
			Franchise Agreement signed by both parties. This document is mandatory for any organisation that is a franchise.	Latest Corporate/Business Bank Statement along with a letter from the Bank setting out the dealings it has had with the organisation, including the nature and duration of its dealings.
			The letter from the UK Border Agency, Chief Executive, confirming the acceptance of the government authorised exchange scheme. This document is mandatory for any organisation that is applying for a Licence under Tier 5 Government Authorised Exchange sub-category.	Proof of ownership of Business Premises and other Fixed Assets or Proof of Lease of Business Premises.
			Prospective Sponsors must provide evidence to show that a contract was tendered and awarded under the GATS agreement. This document is mandatory for any organisation that is applying for a Licence under Tier 5 International Agreement sub-category, wishing to Sponsor migrants under GATS.	Latest Notice to file a Company Tax Return - CT603 & Company Tax Return -CT600.
				Evidence of submitting returns to HM Revenue & Customs (HMRC) – Foreign Entertainers Unit.

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
Hotel / Catering Establishments:	<p>If the organisation applying for a sponsor licence is one listed alongside, a minimum of four documents, as described below, must be provided:</p> <ul style="list-style-type: none"> •The primary documents from List B applicable to the type of organisation; and/or •Any of the documents from List C that the organisation is able to provide. This should bring the total number of documents to be provided to a minimum of 4. 		<p>Proof of listing on the London Stock Exchange, either for the Main Market or AIM http://www.londonstockexchange.com or Proof of listing for overseas companies on the London Stock Exchange under the International companies listing.</p>	<ul style="list-style-type: none"> •A3 (Restaurants/Café) A4 (Pubs/Bars)/A5 (Hot Food/ Takeaways) C1 (Hotels) - Planning Certificate Issued by the Local Authority in England •Or equivalent certification which pre-dates the current licensing system in England •Or equivalent certification if the organisation is based in the rest of the United Kingdom.
			<p>Proof of listing on one of the FSA approved international stock exchanges http://www.fsa.gov.uk/register/exchanges.do</p>	<p>Restaurant's Licence issued by the Local Authority/Court</p>
			<p>Registration with a Governing Body. If an organisation needs to be registered under United Kingdom legislation in order to operate legally, provide evidence of the registration.</p>	<p>Licence for Premises to serve Alcohol issued by the Local Authority/Court</p>
			<p>Organisations latest Audited Annual Accounts with the name of the Accountant clearly shown. The Accountant should be a member of an Accredited Accounting Body</p>	<p>Food Hygiene Certificate.</p>

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
			<p>(CIMA, CIPFA, ACCA, ACA etc). Where an organisation is legally obliged to submit audited accounts, one of the four documents must be its most recent set of audited accounts.</p>	
			<p>Proof of Registration with the Register of Charities – verifiable by viewing either: 1) The Register on www.charitycommission.gov.uk or 2) The Office of the Scottish Charity Regulator (OSCR) if the charity is established in or operates in Scotland www.oscr.org.uk or 3) If the charity is either based in Northern Ireland or exempt from the requirement to register, proof of having obtained charitable status for tax purposes from HMRC. 4) Proof that the organisation is an ecclesiastical corporation (either corporation sole or body corporate) established for charitable purposes. 5) Charities who are not registered according to the relevant charity legislation must explain the reason for non-registration along with</p>	<p>Employers Liability Insurance for at least 5 Million Pounds from an authorised insurer. (Authorised insurers are individuals or companies working under the terms of the Financial Services & Markets Act 2000. The Financial Services Authority (FSA) maintains a register of authorised insurers). This option does not apply to sponsors based in Northern Ireland. A copy of this document may be provided if the original is legally required to be displayed at the sponsor’s premises.</p>

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
			<p>their application for a sponsor licence. In all cases, the relevant document from the above list is mandatory for any organisation that has already registered.</p>	
			<p>Franchise Agreement signed by both parties. This document is mandatory for any organisation that is a franchise.</p>	<p>Proof of registration with HM Revenue & Customs (HMRC) as self employed. Provide each partner's Unique Tax Reference Number (UTR) and/or the Partnerships/ Businesses Unique Tax Reference Number (UTR).</p>
			<p>The letter from the UK Border Agency, Chief Executive, confirming the acceptance of the government authorised exchange scheme. This document is mandatory for any organisation that is applying for a Licence under Tier 5 Government Authorised Exchange sub-category.</p>	<p>Evidence of Registration with HM Revenue & Customs (HMRC) as an employer to pay PAYE & National Insurance. Provide proof of PAYE Reference Number & Accounts Office Reference Number.</p>
			<p>Prospective Sponsors must provide evidence to show that a contract was tendered and awarded under the GATS agreement. This document is mandatory for any organisation that is applying for a Licence under Tier 5 International Agreement sub-category, wishing to Sponsor migrants under GATS.</p>	<p>Certificate of VAT registration and latest VAT return confirming VAT registration number. (If turnover in excess of £64,000)</p>

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
				Latest Annual self-assessment tax return to HM Revenue & Customs (HMRC) - Statement of Account (SA300 or SA302).
				Latest Corporate/Business Bank Statement along with a letter from the Bank setting out the dealings it has had with the organisation, including the nature and duration of its dealings.
				Proof of ownership of Business Premises and other Fixed Assets or Proof of Lease of Business Premises.
				Latest Notice to file a Company Tax Return - CT603 & Company Tax Return -CT600.
				Evidence of submitting returns to HM Revenue & Customs (HMRC) – Foreign Entertainers Unit.

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
<p>Charities</p>	<p>If the organisation applying for a sponsor licence is one listed alongside, a minimum of four documents, as described below, must be provided:</p> <ul style="list-style-type: none"> •All documents from List A; plus •The primary documents from List B applicable to the type of organisation; and/or •Any of the documents from List C that the organisation is able to provide. This should bring the total number of documents to be provided to a minimum of 4. 	<p>Proof of Registration with the Register of Charities – verifiable by viewing either:</p> <ol style="list-style-type: none"> 1) The Register on www.charitycommission.gov.uk or 2)The Office of the Scottish Charity Regulator (OSCR) if the charity is established in or operates in Scotland www.oscr.org.uk or 3) If the charity is either based in Northern Ireland or exempt from the requirement to register, proof of having obtained charitable status for tax purposes from HMRC. 4) Proof that the organisation is an ecclesiastical corporation (either corporation sole or body corporate) established for charitable purposes. 5) Charities who are not registered according to the relevant charity legislation must explain the reason for non-registration along with their application for a sponsor licence. <p>In all cases, the relevant document from the above list is mandatory for any organisation that has already registered.</p>	<p>Proof of listing on the London Stock Exchange, either for the Main Market or AIM http://www.londonstockexchange.com or</p> <p>Proof of listing for overseas companies on the London Stock Exchange under the International companies listing.</p>	<p>Employers Liability Insurance for at least 5 Million Pounds from an authorised insurer. (Authorised insurers are individuals or companies working under the terms of the Financial Services & Markets Act 2000. The Financial Services Authority (FSA) maintains a register of authorised insurers). This option does not apply to sponsors based in Northern Ireland. A copy of this document may be provided if the original is legally required to be displayed at the sponsor’s premises.</p>

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
			Proof of listing on one of the FSA approved international stock exchanges http://www.fsa.gov.uk/register/exchanges.do	Proof of registration with HM Revenue & Customs (HMRC) as self employed. Provide each partner's Unique Tax Reference Number (UTR) and/or the Partnerships/ Businesses Unique Tax Reference Number (UTR).
			Registration with a Governing Body. If an organisation needs to be registered under United Kingdom legislation in order to operate legally, provide evidence of the registration.	Evidence of Registration with HM Revenue & Customs (HMRC) as an employer to pay PAYE & National Insurance. Provide proof of PAYE Reference Number & Accounts Office Reference Number.
			Organisations latest Audited Annual Accounts with the name of the Accountant clearly shown. The Accountant should be a member of an Accredited Accounting Body (CIMA, CIPFA, ACCA, ACA etc). Where an organisation is legally obliged to submit audited accounts, one of the four documents must be its most recent set of audited accounts.	Certificate of VAT registration and latest VAT return confirming VAT registration number. (If turnover in excess of £64,000)

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
			<p>CSCI Certificate, clearly showing the ratings received from the Local Authority. All care homes in England must be registered with the Commission for Social Care Inspection, in Scotland with the Scottish Commission for the Regulation of Care, in Wales with the Care and Social Services Inspectorate for Wales, and in Northern Ireland with the Regulation and Quality Improvement Authority (RQIA). This document is mandatory for any organisation whose business includes the running of a Nursing/Care home.</p>	<p>Latest Annual self-assessment tax return to HM Revenue & Customs (HMRC) - Statement of Account (SA300 or SA302).</p>
			<p>The letter from the UK Border Agency, Chief Executive, confirming the acceptance of the government authorised exchange scheme. This document is mandatory for any organisation that is applying for a Licence under Tier 5 Government Authorised Exchange sub-category.</p>	<p>Latest Corporate/Business Bank Statement along with a letter from the Bank setting out the dealings it has had with the organisation, including the nature and duration of its dealings.</p>
			<p>Franchise Agreement signed by both parties. This document is mandatory for any organisation that is a franchise.</p>	<p>Proof of ownership of Business Premises and other Fixed Assets or Proof of Lease of Business Premises.</p>

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
			Prospective Sponsors must provide evidence to show that a contract was tendered and awarded under the GATS agreement. This document is mandatory for any organisation that is applying for a Licence under Tier 5 International Agreement sub-category, wishing to Sponsor migrants under GATS.	Latest Notice to file a Company Tax Return - CT603 & Company Tax Return -CT600.
				Evidence of submitting returns to HM Revenue & Customs (HMRC) – Foreign Entertainers Unit.
Religious / Faith Bodies	If the organisation applying for a sponsor licence is one listed alongside, a minimum of four documents , as described below, must be provided: <ul style="list-style-type: none"> •The primary documents from List B applicable to the type of organisation; and/or •Any of the documents from List C that the organisation is able to provide. This should bring the total number of documents to be provided to a minimum of 4. 		Where there is a set hierarchy within the faith the sponsoring body must submit a letter of support from the head of that organisation (or their nominated person) to confirm that the sponsor is part of that organisation. This document is mandatory for any organisation seeking to bring in a Religious Worker under Tier 2 or Tier 5, where there is such a hierarchy.	Employers Liability Insurance for at least 5 Million Pounds from an authorised insurer. (Authorised insurers are individuals or companies working under the terms of the Financial Services & Markets Act 2000. The Financial Services Authority (FSA) maintains a register of authorised insurers). This option does not apply to sponsors based in Northern Ireland. A copy of this document may be provided if the original is legally required to be displayed at the sponsor's premises.

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
			<p>Proof of Registration with the Register of Charities – verifiable by viewing either:</p> <p>1) The Register on www.charitycommission.gov.uk or</p> <p>2) The Office of the Scottish Charity Regulator (OSCR) if the charity is established in or operates in Scotland www.oscr.org.uk or</p> <p>3) If the charity is either based in Northern Ireland or exempt from the requirement to register, proof of having obtained charitable status for tax purposes from HMRC.</p> <p>4) Proof that the organisation is an ecclesiastical corporation (either corporation sole or body corporate) established for charitable purposes.</p> <p>5) Charities who are not registered according to the relevant charity legislation must explain the reason for non-registration along with their application for a sponsor licence.</p> <p>In all cases, the relevant document from the above list is mandatory for any organisation that has already registered.</p>	<p>Proof of registration with HM Revenue & Customs (HMRC) as self employed. Provide each partner's Unique Tax Reference Number (UTR) and/or the Partnerships/ Businesses Unique Tax Reference Number (UTR).</p>

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
			<p>Background information about the organisation including details of the parent organisation, and which faith/religion it belongs to. This should be a summary that, for example, includes how the organisation is connected within that faith/religion, size of the adult congregation, number of clergy employed, addresses of regular meeting places, scheduled days and hours of worship. The prospective sponsor must also provide a hierarchy chart, where appropriate, to show where the organisation sits in the hierarchy. This document is mandatory for any organisation seeking to bring in a Religious Worker under Tier 2 or Tier 5.</p>	<p>Evidence of Registration with HM Revenue & Customs (HMRC) as an employer to pay PAYE & National Insurance. Provide proof of PAYE Reference Number & Accounts Office Reference Number.</p>

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
			Proof of listing on the London Stock Exchange, either for the Main Market or AIM http://www.londonstockexchange.com or Proof of listing for overseas companies on the London Stock Exchange under the International companies listing.	Certificate of VAT registration and latest VAT return confirming VAT registration number. (If turnover in excess of £64,000)
			Proof of listing on one of the FSA approved international stock exchanges http://www.fsa.gov.uk/register/exchanges.do	Latest Annual self-assessment tax return to HM Revenue & Customs (HMRC) - Statement of Account (SA300 or SA302).
			Registration with a Governing Body. If an organisation needs to be registered under United Kingdom legislation in order to operate legally, provide evidence of the registration.	Latest Corporate/Business Bank Statement along with a letter from the Bank setting out the dealings it has had with the organisation, including the nature and duration of its dealings.
			Organisations latest Audited Annual Accounts with the name of the Accountant clearly shown. The Accountant should be a member of an Accredited Accounting Body (CIMA, CIPFA, ACCA, ACA etc). Where an organisation is legally obliged to submit audited accounts, one of the four documents must be its most recent set of audited accounts	Proof of ownership of Business Premises and other Fixed Assets or Proof of Lease of Business Premises.

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
			<p>A copy of Form 76 which gives authorisation from the General Register Office (GRO) for the use of a building as a place of worship. If an organisation has a Form 76, or will perform marriage ceremonies, the Form 76 must be sent in.</p>	<p>Latest Notice to file a Company Tax Return - CT603 & Company Tax Return -CT600.</p>
			<p>The letter from the UK Border Agency, Chief Executive, confirming the acceptance of the government authorised exchange scheme. This document is mandatory for any organisation that is applying for a Licence under Tier 5 Government Authorised Exchange sub-category.</p>	<p>Evidence of submitting returns to HM Revenue & Customs (HMRC) – Foreign Entertainers Unit.</p>
			<p>Prospective Sponsors must provide evidence to show that a contract was tendered and awarded under the GATS agreement. This document is mandatory for any organisation that is applying for a Licence under Tier 5 International Agreement sub-category, wishing to Sponsor migrants under GATS.</p>	

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
<p>Sport</p>	<p>If the organisation applying for a sponsor licence is one listed alongside, a minimum of four documents, as described below, must be provided:</p> <ul style="list-style-type: none"> •All documents from List A; plus •The primary documents from List B applicable to the type of organisation; and/or •Any of the documents from List C that the organisation is able to provide. This should bring the total number of documents to be provided to a minimum of 4. 	<p>An endorsement from the governing body, for that particular sport, which has been approved by UK Border Agency. This document is mandatory for any organisation where the nature of their main activity is sport and applying under Tier 2.</p>	<p>Proof of listing on the London Stock Exchange, either for the Main Market or AIM http://www.londonstockexchange.com or Proof of listing for overseas companies on the London Stock Exchange under the International companies listing.</p>	<p>Employers Liability Insurance for at least 5 Million Pounds from an authorised insurer. (Authorised insurers are individuals or companies working under the terms of the Financial Services & Markets Act 2000. The Financial Services Authority (FSA) maintains a register of authorised insurers). This option does not apply to sponsors based in Northern Ireland. A copy of this document may be provided if the original is legally required to be displayed at the sponsor's premises.</p>
			<p>Proof of listing on one of the FSA approved international stock exchanges http://www.fsa.gov.uk/register/exchanges.do</p>	<p>Proof of registration with HM Revenue & Customs (HMRC) as self employed. Provide each partner's Unique Tax Reference Number (UTR) and/or the Partnerships/Businesses Unique Tax Reference Number (UTR).</p>
			<p>Registration with a Governing Body. If an organisation needs to be registered under United Kingdom legislation in order to operate legally, provide evidence of the registration.</p>	<p>Evidence of Registration with HM Revenue & Customs (HMRC) as an employer to pay PAYE & National Insurance. Provide proof of PAYE Reference Number & Accounts Office Reference Number.</p>

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
			<p>Organisations latest Audited Annual Accounts with the name of the Accountant clearly shown. The Accountant should be a member of an Accredited Accounting Body (CIMA, CIPFA, ACCA, ACA etc). Where an organisation is legally obliged to submit audited accounts, one of the four documents must be its most recent set of audited accounts.</p>	<p>Certificate of VAT registration and latest VAT return confirming VAT registration number. (If turnover in excess of £64,000)</p>
			<p>Proof of Registration with the Register of Charities – verifiable by viewing either: 1) The Register on www.charitycommission.gov.uk or 2) The Office of the Scottish Charity Regulator (OSCR) if the charity is established in or operates in Scotland www.oscr.org.uk or 3) If the charity is either based in Northern Ireland or exempt from the requirement to register, proof of having obtained charitable status for tax purposes from HMRC. 4) Proof that the organisation is an ecclesiastical corporation (either corporation sole or body corporate) established for</p>	<p>Latest Annual self-assessment tax return to HM Revenue & Customs (HMRC) - Statement of Account (SA300 or SA302).</p>

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
			charitable purposes. 5) Charities who are not registered according to the relevant charity legislation must explain the reason for non-registration along with their application for a sponsor licence. In all cases, the relevant document from the above list is mandatory for any organisation that has already registered.	
			Franchise Agreement signed by both parties. This document is mandatory for any organisation that is a franchise.	Latest Corporate/Business Bank Statement along with a letter from the Bank setting out the dealings it has had with the organisation, including the nature and duration of its dealings.
			The letter from the UK Border Agency, Chief Executive, confirming the acceptance of the government authorised exchange scheme. This document is mandatory for any organisation that is applying for a Licence under Tier 5 Government Authorised Exchange sub-category.	Proof of ownership of Business Premises and other Fixed Assets or Proof of Lease of Business Premises.
			Prospective Sponsors must provide evidence to show that a contract was tendered and awarded under the GATS	Latest Notice to file a Company Tax Return - CT603 & Company Tax Return -CT600.

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Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
			agreement. This document is mandatory for any organisation that is applying for a Licence under Tier 5 International Agreement sub-category, wishing to Sponsor migrants under GATS.	
				Evidence of submitting returns to HM Revenue & Customs (HMRC) – Foreign Entertainers Unit.
Intra Company Transfers (ICT's)	If the organisation applying for a sponsor licence is one listed alongside, a minimum of four documents , as described below, must be provided: <ul style="list-style-type: none"> •Any documents from List A; plus •The primary documents from List B applicable to the type of organisation; and/or •Any of the documents from List C that the organisation is able to provide. This should bring the total number of documents to be provided to a minimum of 4. 	The following are the documents that the organisation can provide to prove that they meet the ICT criteria described in para 155: <ul style="list-style-type: none"> •Head Office's Audited Accounts clearly showing the link between the two entities. •Head Office's Audited Annual Report clearly showing the link between the two entities. •Where an organisation is registered on the London Stock Exchange or one of the FSA approved international stock exchanges http://www.fsa.gov.uk/register/exchanges.do, a notarised statement by the company secretary of the organisation, setting out 	Proof of listing on the London Stock Exchange, either for the Main Market or AIM http://www.londonstockexchange.com or Proof of listing for overseas companies on the London Stock Exchange under the International companies listing.	Employers Liability Insurance for at least 5 Million Pounds from an authorised insurer. (Authorised insurers are individuals or companies working under the terms of the Financial Services & Markets Act 2000. The Financial Services Authority (FSA) maintains a register of authorised insurers). This option does not apply to sponsors based in Northern Ireland. A copy of this document may be provided if the original is legally required to be displayed at the sponsor's premises.

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		<p>the global corporate structure with ownership percentages of each related corporate entity detailed.</p> <ul style="list-style-type: none"> •Certified copy of the share register or equivalent of one or other of the entities showing ownership by the entity or a copy of the share registers of both entities showing the common parent company. •Certified copy agreement naming both entities as parties or one entity as a party and the other entity as the subject of the agreement which allows one entity to control the composition of the other entity's board. •Certified copy agreement naming both entities as parties or one entity as a party and the other entity as the subject of the agreement which allows one entity to cast or control the casting of more than half the maximum number of votes that might be cast at a general meeting of the other entity. •Certified copy joint venture agreement naming both entities as parties or one entity as a party and the other entity as the entity formed by that 		

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		<p>agreement.</p> <ul style="list-style-type: none"> •Certified copy agreement naming both entities as parties or one entity as a party and the other entity as the entity formed by that agreement that would constitute a joint venture agreement other than for the fact that joint venture agreements are not permitted in the country of operation or one of the entities is not permitted to enter into joint ventures in the country of operation. •Certified copy agreement which allows both entities to use a trademark which is registered or established under the laws of the UK and the jurisdiction of the other entity's country of operation. (This is only applicable to Accountancy or Law firms). •Certified copy agreement which allows both entities to operate under the same name in the UK and in the jurisdiction of the other entity's country of operation. (This is only applicable to Accountancy or Law firms). 		

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		<p>•An affidavit, signed by a senior partner/executive within the UK entity, identifying all of the connected entities both in the UK and overseas.</p>	<p>Proof of listing on one of the FSA approved international stock exchanges http://www.fsa.gov.uk/register/exchanges.do</p>	<p>Proof of registration with HM Revenue & Customs (HMRC) as self employed. Provide each partner's Unique Tax Reference Number (UTR) and/or the Partnerships/ Businesses Unique Tax Reference Number (UTR).</p>
			<p>Registration with a Governing Body. If an organisation needs to be registered under United Kingdom legislation in order to operate legally, provide evidence of the registration.</p>	<p>Evidence of Registration with HM Revenue & Customs (HMRC) as an employer to pay PAYE & National Insurance. Provide proof of PAYE Reference Number & Accounts Office Reference Number.</p>
			<p>Organisations latest Audited Annual Accounts with the name of the Accountant clearly shown. The Accountant should be a member of an Accredited Accounting Body (CIMA, CIPFA, ACCA, ACA etc). Where an organisation is legally obliged to submit audited accounts, one of the four documents must be its most recent set of audited accounts.</p>	<p>Certificate of VAT registration and latest VAT return confirming VAT registration number. (If turnover in excess of £64,000)</p>

Appendix A – List of documents

Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
			<p>Proof of Registration with the Register of Charities – verifiable by viewing either:</p> <p>1) The Register on www.charitycommission.gov.uk or</p> <p>2)The Office of the Scottish Charity Regulator (OSCR) if the charity is established in or operates in Scotland www.oscr.org.uk or</p> <p>3) If the charity is either based in Northern Ireland or exempt from the requirement to register, proof of having obtained charitable status for tax purposes from HMRC.</p> <p>4) Proof that the organisation is an ecclesiastical corporation (either corporation sole or body corporate) established for charitable purposes.</p> <p>5) Charities who are not registered according to the relevant charity legislation must explain the reason for non-registration along with their application for a sponsor licence.</p> <p>In all cases, the relevant document from the above list is mandatory for any organisation that has already registered.</p>	<p>Latest Annual self-assessment tax return to HM Revenue & Customs (HMRC) - Statement of Account (SA300 or SA302).</p>

Appendix A – List of documents

Appendix A - Type of organisation	Guidance on Documents Required	List A - Mandatory Documents	List B - Primary Documents with Exceptions	List C - Secondary Documents
			Franchise Agreement signed by both parties. This document is mandatory for any organisation that is a franchise.	Latest Corporate/Business Bank Statement along with a letter from the Bank setting out the dealings it has had with the organisation, including the nature and duration of its dealings.
			An endorsement from the governing body, for that particular sport, which has been approved by UK Border Agency. This document is mandatory for any organisation where the nature of their main activity is sport and applying under Tier 2 (Sports people).	Proof of ownership of Business Premises and other Fixed Assets or Proof of Lease of Business Premises.
			The letter from the UK Border Agency, Chief Executive, confirming the acceptance of the government authorised exchange scheme. This document is mandatory for any organisation that is applying for a Licence under Tier 5 Government Authorised Exchange sub-category.	Latest Notice to file a Company Tax Return - CT603 & Company Tax Return -CT600.
			Prospective Sponsors must provide evidence to show that a contract was tendered and awarded under the GATS agreement. This document is mandatory for any organisation that is applying for a Licence under Tier 5 International Agreement sub-category, wishing to Sponsor migrants under GATS.	Evidence of submitting returns to HM Revenue & Customs (HMRC) – Foreign Entertainers Unit.

Appendix B – Immigration Offences

Act	General Description	Provision	Offence	Mode of trial & max penalty	Comments
Immigration Act 1971					
	Illegal entry	Section 24(1)(a)	Offence of knowingly entering the United Kingdom in breach of a deportation order or without leave.	Summary only – Level 5 fine, 6 months imprisonment or both.	All offences in section 24 can only be committed by a person who is not a British citizen. For the offence to be committed, a person must knowingly enter in breach of a deportation order or without leave. By contrast, a person is an illegal entrant (for removal purposes) simply if he unlawfully enters or seeks to enter in breach of a deportation order or of the immigration laws. The extended time limit for prosecutions applies. Suspected offenders can be arrested without warrant. If a case is brought within 6 months of the date of entry, the burden of proof is reversed and the defendant must prove, on the balance of probabilities that he had leave to enter.
	Overstaying	Section 24(1)(b)(i)	Offence of knowingly remaining beyond the time limited by leave.	As for section 24(1)(a).	The offence is committed on the day the person first knows his leave has expired and continues to be committed throughout any period during which he thereafter remains in the United Kingdom.
	Breaching a condition of leave	Section 24(1)(b)(ii)	Offence of knowingly failing to observe a condition of leave.	As for section 24(1)(a).	
	Overstaying (crew members)	Section 24(1)(c)	Offence of remaining without leave beyond the time allowed by section 8(1), in a case where the person entered by virtue of that section.	As for section 24(1)(a).	Section 8(1) allows crew members to enter without leave in certain circumstances. The extended time limit for prosecutions applies.
	Failing to report to a medical officer	Section 24(1)(d)	Offence of failing to report to a medical officer or to attend/submit to a test or examination as required by such an officer, without reasonable excuse.	As for section 24(1)(a).	

Appendix B – Immigration Offences

Act	General Description	Provision	Offence	Mode of trial & max penalty	Comments
	Failing to comply with a condition of temporary admission etc.	Section 24(1)(e)	Offence of failing to observe a condition imposed under Schedule 2 or 3 as to residence, employment, occupation or reporting, without reasonable excuse.	As for section 24(1)(a).	
	Disembarking during removal	Section 24(1)(f)	Offence of disembarking from a ship or aircraft in the United Kingdom after being placed on board with a view to removal.	As for section 24(1)(a).	
	Embarking unlawfully	Section 24(1)(g)	Offence of embarking in contravention of a restriction imposed by or under an Order in Council made under section 3(7).	As for section 24(1)(a).	There is currently no order in force under section 3(7).
	Deception	Section 24A(1)	Offence of employing deception to; (a) obtain or seek to obtain leave to enter or remain, or (b) secure or seek to secure the avoidance, postponement or revocation of enforcement action.	Summary – stat max fine, 6 months imprisonment or both. Indictment – unlimited fine, 2 years imprisonment or both.	“Enforcement action” means; (a) the giving of removal directions, (b) the making of a deportation order, or (c) removal. The defence in section 31 of the 1999 Act applies. Deception has to be by the immigrant and not a third party – entry by means of another person’s deception cannot ground a criminal prosecution (contrast position of an illegal entrant who can have obtained leave by another person’s deception).
	Facilitating the commission of a breach of immigration law	Section 25(1)	Offence of doing an act which facilitates the commission of a breach of immigration law by an individual who is not a citizen of the EU.	Summary – stat max fine, 6 months imprisonment or both. Indictment – unlimited fine, 14 years imprisonment or both.	A person only commits offence if he knows or has reasonable cause for believing that; (a) his act facilitates the commission of a breach of immigration law by the individual, and (b) the individual is not a citizen of the EU. “Immigration law” means a law which has effect in a member State (which includes Norway and Iceland) and which controls entitlement to enter, transit across or be in the State. Continued overleaf

Appendix B – Immigration Offences

Act	General Description	Provision	Offence	Mode of trial & max penalty	Comments
	<p>Facilitating the commission of a breach of immigration law</p>	<p>Section 25(1)</p>	<p>Offence of doing an act which facilitates the commission of a breach of immigration law by an individual who is not a citizen of the EU.</p>	<p>Summary – stat max fine, 6 months imprisonment or both. Indictment – unlimited fine, 14 years imprisonment or both.</p>	<p>Sections 25, 25A and 25B (the facilitation offences) currently apply to anything done; (a) in the United Kingdom, (b) outside the United Kingdom by a British citizen (or other related categories), or (c) outside the United Kingdom by a body incorporated under the law of a part of the United Kingdom.</p> <p>NB. Section 30(1) of the UK Borders Bill amends the territorial extent of the section 25 offences described above. When s.30(1) comes into force the section 25 offences will apply to acts of facilitation by any individual inside or outside the United Kingdom, regardless of the nationality of the perpetrator.</p> <p>Where a person is arrested for a facilitation offence the detention powers in section 25D apply. Where a person is convicted on indictment of a facilitation offence the forfeiture provisions in section 25C apply.</p>
	<p>Facilitating the arrival of an asylum-seeker</p> <p>NB s.29 United Kingdom Borders Bill</p>	<p>Section 25A(1)</p>	<p>Offence of knowingly and for gain facilitating the arrival in the United Kingdom of an asylum-seeker.</p> <p>Section 29 of the UK Borders Bill adds to this offence by specifying that it is also an offence to facilitate the entry into the United Kingdom of an asylum seeker.</p>	<p>As for section 25(1).</p>	<p>A person only commits offence if he knows or has reasonable cause to believe the individual is an asylum-seeker. Section does not apply to anything done by a person acting on behalf of an organisation which aims to assist asylum-seekers and does not charge for its services.</p>

Appendix B – Immigration Offences

Act	General Description	Provision	Offence	Mode of trial & max penalty	Comments
	Facilitating the breach of a deportation order	Section 25B(1)	Offence of doing an act which facilitates a breach of a deportation order in force against an individual who is not a citizen of the EU.	As for section 25(1).	A person only commits offence if he knows or has reasonable cause for believing that his act facilitates a breach of the deportation order.
	Facilitating the arrival of an excluded person	Section 25B(3)	Where the Secretary of State has directed that the exclusion of an EU citizen from the United Kingdom is conducive to the public good, offence of doing an act which assists the individual to arrive in, enter or remain in the United Kingdom.	As for section 25(1).	A person only commits offence if he knows or has reasonable cause for believing that; (a) his act assists the individual to arrive in, enter or remain in the United Kingdom, and (b) the Secretary of State has personally directed that the individual's exclusion from the United Kingdom is conducive to the public good.
	Failing to submit to examination	Section 26(1)(a)	Offence of refusing or failing to submit to examination, without reasonable excuse.	Summary only – Level 5 fine, 6 months imprisonment or both.	
	Failing to provide information or documents	Section 26(1)(b)	Offence of refusing or failing to furnish or produce information or documents which a person is required to furnish or produce on examination, without reasonable excuse.	As for section 26(1)(a).	Only applies as regards information and documents which are in the person's possession or control.
	Making a false statement etc.	Section 26(1)(c)	Offence of making or causing to be made to an immigration officer a false return, statement or representation.	As for section 26(1)(a).	Also applies with regard to any other person lawfully acting in execution of the Immigration Act. Person only commits offence if he knows the statement etc. is false or does not believe it to be true. The extended time limit for prosecutions applies.
	Altering a document and using and possessing a false document	Section 26(1)(d)	Offence of altering a document issued or made under or for the purposes of the Act, without lawful authority. Offence of using for the purposes of the Act, or possessing for such use, a false document.	As for section 26(1)(a).	In relation to use and possession, a person only commits the offence if he knows or has reasonable cause to believe the document is false. The extended time limit for prosecutions applies. The defence in section 31 of the 1999 Act applies.

Appendix B – Immigration Offences

Act	General Description	Provision	Offence	Mode of trial & max penalty	Comments
	Failing to complete a landing card	Section 26(1)(e)	Offence of failing to complete a landing card in accordance with an order made under Schedule 2, without reasonable excuse.	As for section 26(1)(a).	
	Failing to register with the police etc.	Section 26(1)(f)	Offence of failing to comply with a requirement of regulations made under section 4(3) or an order made under section 4(4), without reasonable excuse.	As for section 26(1)(a).	Regulations made under section 4(3) require certain people to register with the police. The Order made under section 4(4) requires people to give certain information when staying at hotels etc. and requires hotel keepers to keep records.
	Obstructing an immigration officer	Section 26(1)(g)	Offence of obstructing an immigration officer, without reasonable excuse.	As for section 26(1)(a).	Also applies with regard to any other person lawfully acting in execution of the Act.
	Registration card offences	Section 26A(1)(a)	Offence of making a false registration card.	Summary – stat max fine, 6 months imprisonment or both. Indictment – unlimited fine, 10 years imprisonment or both.	“Registration card” means a document which carries information about a person and is issued by the Secretary of State in connection with a claim for asylum. The Secretary of State may change the definition by order.
		Section 26A(1)(b)	Offence of altering a registration card with intent to deceive (or to enable another to deceive).	As for section 26A(1)(a).	
		Section 26A(1)(c)	Offence of possessing a false or altered registration card, without reasonable excuse.	Summary – stat max fine, 6 months imprisonment or both. Indictment – unlimited fine, 2 years imprisonment or both.	
		Section 26A(1)(d)	Offence of using, or attempting to use, a false registration card for a purpose for which such a card is issued.	As for section 26A(1)(a).	

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Act	General Description	Provision	Offence	Mode of trial & max penalty	Comments
		Section 26A(1)(e)	Offence of using, or attempting to use, an altered registration card with intent to deceive.	As for section 26A(1)(a).	
		Section 26A(1)(f)	Offence of making an article designed to be used in making a false registration card.	As for section 26A(1)(a).	
		Section 26A(1)(g)	Offence of making an article designed to be used in altering a registration card with intent to deceive (or to enable another to deceive).	As for section 26A(1)(a).	
		Section 26A(1)(h)	Offence of possessing an article within (f) or (g) above, without reasonable excuse.	As for section 26A(1)(c).	
	Immigration stamp offences	Section 26B(1)	Offence of possessing an immigration stamp, without reasonable excuse.	Summary – stat max fine, 6 months imprisonment or both. Indictment – unlimited fine, 2 years imprisonment or both.	“Immigration stamp” means a device which is designed for the purpose of stamping documents in the exercise of an immigration function.
		Section 26B(2)	Offence of possessing a replica immigration stamp, without reasonable excuse.	As for section 26B(1).	“Replica immigration stamp” means a device which is designed for the purpose of stamping a document so that it appears to have been stamped in the exercise of an immigration function.
	Offences by persons connected with ships or aircraft or with ports	Section 27(a)(i)	Offence of knowingly permitting a person to disembark in the United Kingdom when required under Schedule 2 or 3 to prevent it. Offence of failing to take steps required to be taken under Schedule 2 in connection with the disembarkation or examination of passengers or the furnishing of crew or passenger lists, without reasonable excuse.	Summary only – Level 5 fine, 6 months imprisonment or both.	Applies to the captain of a ship or aircraft.

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Act	General Description	Provision	Offence	Mode of trial & max penalty	Comments
		Section 27(a)(ii)	Offence of failing to comply with removal directions.	As for section 27(a)(i).	Applies to the captain of a ship or aircraft.
		Section 27(b)(i)	Offence of knowingly arranging for a ship or aircraft to call at a port other than a port of entry, contrary to Schedule 2.	As for section 27(a)(i).	Applies to the owner or agent of a ship or aircraft.
		Section 27(b)(ii)	Offence of failing to take steps required by an order made under Schedule 2 for the supply to passengers of landing or embarkation cards, without reasonable excuse.	As for section 27(a)(i).	Applies to the owner or agent of a ship or aircraft.
		Section 27(b)(iii)	Offence of failing to make arrangements for the removal of a person when required to do so by removal directions.	As for section 27(a)(i).	Applies to the owner or agent of a ship or aircraft.
		Section 27(b)(iv)	Offence of failing to comply with a request for information under paragraph 27B or 27C of Schedule 2 (passenger information etc.).	As for section 27(a)(i).	Applies to the owner or agent of a ship or aircraft.
		Section 27(c)	Offence of failing to take steps required by Schedule 2 in relation to the embarkation or disembarkation of passengers where a control area is designated, without reasonable excuse.	As for section 27(a)(i).	Applies to the owner or agent of a ship or aircraft and to a person concerned in the management of a port.
Asylum & Immigration Act 1996					
	Illegal working	Section 8(1)	Offence of employing a person who is over 16 and subject to immigration control if; (a) he has not been granted leave, or (b) his leave is not valid and subsisting or is subject to a condition precluding him from taking up the employment.	Summary – stat max fine. Indictment – unlimited fine.	It is a defence for the employer to prove that before the employment began the requirements of the Order made under the section were complied with. The defence is not available where the employer knew employing the person would constitute an offence. The relevant order is the Immigration (Restrictions on Employment) Order 2004. It, inter alia, lists the documents which an employer must see and copy before employment commences to have a defence. The extended time limit for prosecutions applies.

Appendix B – Immigration Offences

Act	General Description	Provision	Offence	Mode of trial & max penalty	Comments
Immigration & Asylum Act 1999					
	Offences relating to the provision and advertising of immigration advice or services	Section 91(1)	Offence of providing immigration advice or services in contravention of section 84 or of a restraining order.	Summary – stat max fine, 6 months imprisonment or both. Indictment – unlimited fine, 2 years imprisonment or both.	Section 84 provides that no person may provide immigration advice or services unless he is a qualified person (as defined). “Immigration advice” and “immigration services” are defined in section 82.
		Section 92B(1)	Offence of offering to provide immigration advice or services where the provision of such advice or services would be an offence under section 91.	Summary only – Level 4 fine.	A person offers to provide advice or services if he; (a) makes an offer to a person or class of person, or (b) makes arrangements for an advertisement in which he offers to provide advice or services or in which he is described as competent to provide advice or services.
	Disclosure of information	Section 93(4)	Offence to knowingly or recklessly disclose information in contravention of s.93(2) IAA 99’	Summary – stat max fine Indictment -fine	s.93(2) relates to information given to the Information Commissioner for the purposes of the Act and relates to an identified or identifiable individual or business and is not at that time and has not previously been available to the public from other sources.
	False representations in relation to asylum support	Section 105(1)(a)	Offence of making a false statement or representation with a view to obtaining support under Part VI (support for asylum-seekers).	Summary only – Level 5 fine, 3 months imprisonment or both.	A person only commits the offence if he knows the statement or representation is false in a material particular.

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Act	General Description	Provision	Offence	Mode of trial & max penalty	Comments
		Section 105(1)(b)	Offence of producing or giving (or knowingly causing or allowing to be produced or given) to a person exercising functions under Part VI, a false document or false information with a view to obtaining Part VI support.	As for section 105(1)(a).	A person only commits the offence if he knows the document or information is false in a material particular.
		Section 105(1)(c)	Offence of failing to notify a change of circumstances when required to do so under Part VI with a view to obtaining Part VI support, without reasonable excuse.	As for section 105(1)(a).	
		Section 105(1)(d)	Offence of knowingly causing another person to fail to notify a change of circumstances which that other person is required to notify under Part VI with a view to obtaining Part VI support, without reasonable excuse.	As for section 105(1)(a).	
	Dishonest representations in relation to asylum support	Section 106(1)(a)	Offence of dishonestly making a statement or representation which is false in a material particular with a view to obtaining any payment or advantage under Part VI.	Summary – stat max fine, 6 months imprisonment or both. Indictment – unlimited fine, 7 years imprisonment or both.	In Scotland, the word “dishonestly” is replaced by “knowingly” (throughout section 106).
		Section 106(1)(b)	Offence of dishonestly producing or giving (or causing or allowing to be produced or given) to a person exercising functions under Part VI, a document or information which is false in a material particular with a view to obtaining any payment or advantage under Part VI.	As for section 106(1)(a).	

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Act	General Description	Provision	Offence	Mode of trial & max penalty	Comments
		Section 106(1)(c)	Offence of dishonestly failing to notify a change of circumstances when required to do so under Part VI with a view to obtaining any payment or advantage under Part VI.	As for section 106(1)(a).	
		Section 106(1)(d)	Offence of dishonestly causing another person to fail to notify a change of circumstances which that other person is required to notify under Part VI with a view to obtaining any payment or advantage under Part VI.	As for section 106(1)(a).	
	Delay or obstruction in relation to asylum support	Section 107(1)	Offence of, without reasonable; (a) intentionally delaying or obstructing a person exercising functions under Part VI, or (b) refusing or neglecting to answer a question, give information or produce a document when required to do so under the Part.	Summary only – Level 3 fine.	
	Failure of a Sponsor to maintain	Section 108(1)	Where a written undertaken to be responsible for the maintenance and accommodation of a person has been given, offence of persistently refusing or neglecting to maintain that person where the result is that support under Part VI has to be provided.	Summary only – Level 4 fine, 3 months imprisonment or both.	<p>A person is not to be taken to have refused or neglected to maintain another person by reason only of anything done or omitted in furtherance of a trade dispute.</p> <p>Section 109 IAA 99’ establishes liability for officers of a body corporate (i.e. director, secretary etc.) where an offence under sections 105-108 has been committed by a body corporate with the consent, connivance or negligence of the officer in question. Both the body corporate and officer will be guilty of an offence.</p>

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Act	General Description	Provision	Offence	Mode of trial & max penalty	Comments
	Unlawful disclosure of information relating to a detained person	Section 158(1)	Offence of disclosing information, acquired in the course of employment, relating to a particular detained person.	Summary – stat max, 6 months imprisonment or both. Indictment – unlimited fine, 2 years imprisonment or both.	Offence only applies to a person who is/has been employed; (a) in accordance with escort arrangements, (b) at a contracted out removal centre, or (c) to perform contracted out functions at a directly managed detention centre. Disclosure in the course of the person?
	Offences in relation to detainee custody officers	Sch 11, para 4	Offence of assaulting a detainee custody officer.	Summary only – Level 5 fine, 6 months imprisonment or both.	Offence only applies where the detainee custody officer is; (a) acting in accordance with escort arrangements, (b) performing custodial functions, or (c) performing functions of a custodial nature at a short term holding facility.
		Sch 11, para 5	Offence of wilfully resisting or obstructing a detainee custody officer.	Summary only – Level 3 fine.	See comments on the offence at paragraph 4 of the Schedule above.
	Offences in relation to removal centres and short term holding facilities	Sch 12, para 4(1)	Offence of aiding a detained person to escape or attempt to escape from a centre or facility.	Summary – stat max, 6 months imprisonment or both. Indictment – unlimited fine, 2 years imprisonment or both.	
		Sch 12, para 4(2)	Offence of, with intent to facilitate the escape of a detained person from a centre or facility; (a) conveying anything into a centre or facility or to a detained person, (b) sending anything into a centre of facility or to a person detained there, or (c) placing anything outside a centre or facility with a view to its coming into the possession of a person detained there.	As for para 4(1).	

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Act	General Description	Provision	Offence	Mode of trial & max penalty	Comments
		Sch 12, para 5(1)	Offence of bringing or attempting to bring alcohol into a centre or to a detained person contrary to centre rules.	Summary only – Level 3 fine, six months imprisonment or both.	
		Sch 12, para 5(2)	Offence of placing alcohol anywhere outside a centre, intending that it should come into the possession of a detained person there.	As for para 5(1).	
		Sch 12, para 5(3)	Offence of allowing alcohol to be sold or used in a centre.	As for para 5(1).	Offence can only be committed by detainee custody officers and other staff at removal centres.
		Sch 12, para 6(1)	Offence of conveying or attempting to convey anything into or out of a centre or to a detained person contrary to centre rules.	Summary only – Level 3 fine.	Offence only applies where the person is not guilty of an offence under paragraph 4 or 5 of the Schedule.
		Sch 12, para 6(2)	Offence of placing anything anywhere outside a centre, intending it to come into the possession of a detained person .		See comments on the offence at paragraph 6(1) of the Schedule above.
Nationality, Immigration & Asylum Act 2002					
	Failure by an employer or financial institution to disclose information to the Secretary of State	Section 137(1)	Offence of failing to comply with section 136(3), without reasonable excuse.	Summary only – Level 5 fine, 3 months imprisonment or both.	Under section 136(3) a person on whom a notice is served under the section must provide the Secretary of State with the information specified in the notice. A notice may be served on an employer or a financial institution as detailed in sections 134 and 135. Continued overleaf

Appendix B – Immigration Offences

Act	General Description	Provision	Offence	Mode of trial & max penalty	Comments
	Failure by an employer or financial institution to disclose information to the Secretary of State	Section 137(1)	Offence of failing to comply with section 136(3), without reasonable excuse.	Summary only – Level 5 fine, 3 months imprisonment or both.	Section 138 NIAA 02’ establishes liability for officers of a body corporate (i.e. director, secretary etc.) where an offence under section 137 has been committed by a body corporate with the consent, connivance or negligence of the officer in question. Both the body corporate and officer will be guilty of an offence.
	Offences in relation to support (travel assistance and temporary accommodation)	Sch 3, para 13(1)	Offence of returning to the United Kingdom, having left in accordance with arrangements made under paragraph 8 of the Schedule, and requesting that arrangements be made by virtue of paragraph 8, 9 or 10 of the Schedule.	Summary only – 6 months imprisonment.	
		Sch 3, para 13(2)	Offence of requesting that arrangements be made by virtue of paragraph 8, 9 or 10 of the Schedule and failing to mention a previous request for the making of such arrangements.	As for para 13(1).	
Asylum and Immigration (TOC etc.) Act 2004					
	Entering the United Kingdom without a passport	Section 2(1)	Offence of not having at a leave or asylum interview an immigration document which is in force and which satisfactorily establishes identity and nationality/ citizenship.	Summary – stat max, 6 months imprisonment or both. Indictment – unlimited fine, 2 years imprisonment or both.	A person does not commit the offence if the interview takes place after entry and he provides a document within 3 days of the interview. “Immigration document” means a passport or a document which is designed to serve the same purpose as a passport. Continued overleaf

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Act	General Description	Provision	Offence	Mode of trial & max penalty	Comments
	Entering the United Kingdom without a passport	Section 2(1)	Offence of not having at a leave or asylum interview an immigration document which is in force and which satisfactorily establishes identity and nationality/citizenship.	Summary – stat max, 6 months imprisonment or both. Indictment – unlimited fine, 2 years imprisonment or both.	“Leave or asylum interview” means an interview with an immigration officer or the Secretary of State at which a person seeks leave or claims that removal would breach the United Kingdom’s obligations under the 1951 Convention or be unlawful under the Human Rights Act 1998. Various defences are provided in subsection (4).
		Section 2(2)	Offence of not having at a leave or asylum interview, in respect of a dependant child, an immigration document which is in force and which satisfactorily establishes the child’s identity and nationality/citizenship.	As for section 2(1).	A person does not commit the offence if the interview takes place after entry and he provides a document within 3 days of the interview. Various defences are provided in subsection (5).
	Trafficking people for exploitation	Section 4(1)	<p>Offence of arranging or facilitating the arrival in the United Kingdom of a person, where the accused intends to exploit that person or believes that another person is likely to do so.</p> <p>Section 31(1) of the UK Borders Bill amends this section to make it an offence to facilitate the arrival or entry of an individual into the United Kingdom for the purposes of exploitation. It also amends the territorial scope of the offence – see comments.</p>	<p>Summary – stat max fine, 6 months imprisonment or both.</p> <p>Indictment – unlimited fine, 14 years imprisonment or both.</p>	<p>A person is exploited if; (a) he is the victim of behaviour which contravenes Art 4 ECHR, (b) he is encouraged, required or expected to do anything which would result in the commission of an offence under the legislation on human organ transplants, (c) he is subjected to force, threats or deception designed to induce him to provide services or benefits or enable another person to acquire benefits, or (d) he is requested or induced to undertake an activity, having been chosen on the grounds that he is vulnerable (and where a non-vulnerable person would be likely to refuse the request or resist the inducement).</p> <p>Continued overleaf</p>

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Act	General Description	Provision	Offence	Mode of trial & max penalty	Comments
	Trafficking people for exploitation	Section 4(1)	<p>Offence of arranging or facilitating the arrival in the United Kingdom of a person, where the accused intends to exploit that person or believes that another person is likely to do so.</p> <p>Section 31(1) of the UK Borders Bill amends this section to make it an offence to facilitate the arrival or entry of an individual into the United Kingdom for the purposes of exploitation. It also amends the territorial scope of the offence – see comments.</p>	<p>Summary – stat max fine, 6 months imprisonment or both.</p> <p>Indictment – unlimited fine, 14 years imprisonment or both.</p>	<p>The section 4 offences currently apply to anything done; (a) in the United Kingdom, (b) outside the United Kingdom by a British citizen (or other related categories), or (c) outside the United Kingdom by a body incorporated under the law of a part of the United Kingdom. However s.31(2) of the UK Borders Bill broadens the territorial scope of the trafficking offences to encompass acts of facilitation for the purposes of exploitation undertaken anywhere in the world, regardless of the nationality of the perpetrator.</p> <p>Sections 31(3) – (4) of the Bill makes the same amendments to the provisions on trafficking in the Sexual Offences Act 2003 (see below).</p> <p>Where a person is arrested for a section 4 offence the detention powers in section 25D of the 1971 Act apply. Where a person is convicted on indictment of a facilitation offence the forfeiture provisions in section 25C of that Act apply.</p>
		Section 4(2)	Offence of arranging or facilitating travel within the United Kingdom by a person, where the accused intends to exploit that person or believes that another person is likely to do so.	As for section 4(1).	See comments on section 4(1) above.

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Act	General Description	Provision	Offence	Mode of trial & max penalty	Comments
		Section 4(3)	Offence of arranging or facilitating the departure from the United Kingdom of a person, where the accused intends to exploit that person outside the United Kingdom or believes that another person is likely to do so.	As for section 4(1).	See comments on section 4(1) above.
	Failing to co-operate with the re-documentation process	Section 35(3)	Offence of failing to comply with a requirement of the Secretary of State under section 35(1), without reasonable excuse.	Summary – stat max fine, 6 months imprisonment or both. Indictment – unlimited fine, 2 years imprisonment or both.	Under section 35(1) the Secretary of State may require a person to take specific action if he thinks that; (a) the action will or may enable a travel document to be obtained for the person, and (b) possession of the travel document will facilitate the person's removal.
Accession (Immigration and Worker Registration) Regulations 2004, SI 2004/1219					
	Illegal Working	Regulation 9	Offence for an employer to employ an accession working requiring registration during a period when the employer is not an authorised employer in relation to the worker.	Summary conviction fine not exceeding Level 5.	Employers and bodies corporate can be prosecuted.

Appendix B – Immigration Offences

Act	General Description	Provision	Offence	Mode of trial & max penalty	Comments
Immigration, Asylum and Nationality Act 2006					
	Illegal Working	Section 21	Offence to knowingly employ an adult subject to immigration control where- a) he has not been granted LTE or LTR in the United Kingdom or b) his LTE or LTR in the United Kingdom- (i) is invalid, (ii) has ceased to have effect (whether due to curtailment, revocation, cancellation, passage of time or otherwise), or (iii) is subject to a condition preventing him from accepting the employment	Summary – fine not exceeding statutory maximum, 12 months imprisonment (England and Wales) or 6 months in Scotland or Northern Ireland), or both fine and imprisonment. Indictment – maximum 2 years imprisonment, fine, or both.	An offence under this section treated as a relevant offence for the purposes of sections 28B & D of the IA 1971 (search, entry and arrest) and an offence under Part III of the 1971 Act (Criminal Proceedings) for the purposes of sections 28(4), 28E, 28G and 28H (search after arrest) Reference to 12 months imprisonment in England and Wales shall refer to 6 months imprisonment when considering any conviction that has taken place before the commencement of section 154(1) of the Criminal Justice Act 2003 (general limit on magistrates power to imprison). Section 22 establishes liability for officers of a body corporate (i.e. director, secretary etc.) where an offence under section 21 has been committed by a body corporate with the consent, connivance or negligence of the officer in question. Both the body corporate and officer will be guilty of an offence.

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Act	General Description	Provision	Offence	Mode of trial & max penalty	Comments
	Failure to provide information	Section 34	Offence, without reasonable excuse, to fail to comply with a requirement under sections 32(2)-(3) or 33(2) IANA 06’.	Summary – fine nor exceeding Level 4 on the standard scale, imprisonment not exceeding 51 weeks in England and Wales (or 6 months in Northern Ireland or Scotland) or both.	<p>Sections 32(2)-(3) require the owners or agents of ships and aircrafts arriving or expected to arrive or leaving or expected to leave the United Kingdom to provide passenger, service or freight information to a constable (superintendent rank or above) when requested. Section 33(2) obliges a passenger or crew member to provide the information desired to the owner or agent of the ship or aircraft in order that the latter comply with section 32.</p> <p>Reference to 51 weeks imprisonment in England and Wales shall refer to 3 months imprisonment when considering any conviction that has taken place before the commencement of section 281(5) of the Criminal Justice Act 2003 (51 weeks maximum term of sentences).</p>
United Kingdom Borders Act 2007					
	Absconding	Section 3(1)(a)	Offence to abscond from detention under section 2 of the UK Borders Bill.	Imprisonment for a term not exceeding 51 weeks, a fine not exceeding Level 5 on the standard scale or both.	<p>Section 2 UK Borders Bill – allows detention of an individual at a port in England, Wales and Northern Ireland by a designated immigration officer where that officer thinks the individual may be liable to arrest under sections 24(1)-(3) of the Police and Criminal Evidence Act 1984 or Articles 26(1)-(3) of the Police and Criminal Evidence (Northern Ireland) Order 1989 or is subject to a warrant of arrest.</p> <p>Continued overleaf</p>

Appendix B – Immigration Offences

Act	General Description	Provision	Offence	Mode of trial & max penalty	Comments
	Absconding	Section 3(1)(a)	Offence to abscond from detention under section 2 of the UK Borders Bill.	Imprisonment for a term not exceeding 51 weeks, a fine not exceeding Level 5 on the standard scale or both.	Reference to 51 weeks imprisonment in England and Wales in the section 3(1)(a)-(b) offences shall refer to 3 months imprisonment when considering any offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (51 weeks maximum term of sentences).
	Assaulting an immigration officer	Section 3(1)(b)	Offence to assault an immigration officer exercising a power under section 2 of the UK Borders Bill	As above	See above.
	Obstructing an immigration officer	Section 3(1)(c)	Offence to obstruct an immigration officer in the exercise of a power under section 2 of the UK Borders Bill.	Imprisonment for a term not exceeding 51 weeks, a fine not exceeding Level 3 on the standard scale or both.	Reference to 51 weeks imprisonment in England and Wales in the section 3(1)(c) offence shall refer to 1 month imprisonment when considering any offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (51 weeks maximum term of sentences).
	Assaulting an immigration officer	Section 22	Offence to assault an immigration officer.	Imprisonment for a period not exceeding 51 weeks, a fine not exceeding Level 5 on the standard scale, or both.	Reference to 51 weeks imprisonment in England and Wales in section 22(2)(a) shall be treated as a reference to 6 months imprisonment when considering any offence committed before section 281(5) of the Criminal Justice Act 2003 (51 week maximum term of sentences)
	Wrongful disclosure	Section 42(1)	Offence to contravene section 41 of the UK Borders Bill by disclosing information relating to a person whose identity is specified in the disclosure or can be deduced from it.	Summary – max 12 months imprisonment or fine stat. max Indictment – max 2 years imprisonment or unlimited fine or both.	Section 41 relates to confidential information supplied by or on behalf of HMRC or RCPO under existing statutory gateways. Continued overleaf

Appendix B – Immigration Offences

Act	General Description	Provision	Offence	Mode of trial & max penalty	Comments
	Wrongful disclosure	Section 42(1)	Offence to contravene section 41 of the UK Borders Bill by disclosing information relating to a person whose identity is specified in the disclosure or can be deduced from it.	Summary – max 12 months imprisonment or fine stat. max Indictment – max 2 years imprisonment or unlimited fine or both.	Not apply to the disclosure of information about internal administrative arrangements of HMRC or RCPO. A defence if an individual reasonably believed that the disclosure was lawful or that the information had already lawfully been made available to the public.
Non-immigration legislation					
Forgery & Counterfeiting Act 1981					
	Forgery	Section 1	Offence of making a false instrument with the intention that it shall be used to induce somebody to accept it as genuine, and thereby to act to his own or another person's prejudice.	Summary – stat max fine, 6 months imprisonment or both. Indictment – 10 years imprisonment.	“Instrument” includes any document, whether of a formal or informal character. A person is to be treated as making a false instrument if he alters an instrument so as to make it false in any respect (whether or not it is false in some other respect apart from that alteration). “False” is defined in section 9 and “prejudice” in section 10. The defence in section 31 of the 1999 Act applies. The offences in the Act do not extend to Scotland. The corresponding Scottish offences are the common law offences of fraud and uttering a forged document. The section 31 defence applies to those offences as well.

Appendix B – Immigration Offences

Act	General Description	Provision	Offence	Mode of trial & max penalty	Comments
	Copying a false instrument	Section 2	Offence of making a copy of a false instrument with the intention that it be used to induce somebody to accept it as a copy of a genuine instrument, and thereby to act to his own or another person's prejudice.	As for section 1.	Offence only committed if the person knows or believes that the instrument which he is making a copy of is false. See also comments on section 1 above.
	Using a false instrument	Section 3	Offence of using a false instrument with the intention of inducing somebody to accept it as genuine, and thereby to act to his own or another person's prejudice.	As for section 1.	Offence only committed if the person knows or believes that the instrument is false. See also comments on section 1 above.
	Using a copy of a false instrument	Section 4	Offence of using a copy of a false instrument with the intention of inducing somebody to accept it as a copy of a genuine instrument, and thereby to act to his own or another person's prejudice.	As for section 1.	Offence only committed if the person knows or believes that the instrument is false. See also comments on section 1 above.
Identity Cards Act 2006					
	Possession of false identity documents	Section 25(1)	Offence for a person with the requisite intention to have in his possession or under his control an identity document that he knows or believes to be false; an identity document that was improperly obtained; or an identity document that relates to someone else.	Indictment – imprisonment max 10 years or fine or both.	Replaces s.5 of the Forgery & Counterfeiting Act 1981 Requisite intention for the purposes of subsection (1) is the intention of using the document for establishing registrable facts about himself or the intention of allowing or inducing another to use it for establishing, ascertaining or verifying registrable facts about himself or about any other person (with the exception, in the case of a document within paragraph (c) of that subsection, of the individual to whom 1 relates.) Identity documents for the purpose of the section 25 offences include ID cards, immigration documents and passports.

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Act	General Description	Provision	Offence	Mode of trial & max penalty	Comments
		Section 25(3)	Offence for a person with the requisite intention to make or have in his possession or under his control any apparatus which, to his knowledge is or has been specifically designed or adapted for the making of false identity documents; or any article or material which, to his knowledge, is or has been specifically designed or adapted to be used in the making of false identity documents	As for s.25(1)	The requisite intention for the purposes of subsection (3) is the intention that he or another will make a false identity document; and that the document will be used by somebody for establishing, ascertaining or verifying registrable facts about a person.
		Section 25(5)	Offence for a person to have in his possession or under his control without reasonable excuse- an identity document that is false; an identity document that is improperly obtained; an identity document that relates to someone else; or any apparatus, article or material which, to his knowledge, is or has been specifically designed or adapted for the making of false identity documents or to be used in the making of such documents.	Summary – conviction in England and Wales max 12 months imprisonment, statutory max fine or both. Scotland or Northern Ireland max 6 months imprisonment, statutory max fine or both.	Reference to 12 months imprisonment in England and Wales shall refer to 6 months imprisonment when considering any conviction that has taken place before the commencement of section 154(1) of the Criminal Justice Act 2003.

Appendix B – Immigration Offences

Act	General Description	Provision	Offence	Mode of trial & max penalty	Comments
Sexual Offences Act 2003					
	Trafficking for Sexual Exploitation	Section 57(1)	Offence of arranging or facilitating the arrival in the United Kingdom of a person, where the accused intends to commit a relevant offence in respect of that person [sexual offence] or believes that another person is likely to do so. Section 31(3) of the UK Borders Bill amends this section to make it an offence to facilitate the arrival or entry of an individual into the United Kingdom for the purposes of sexual exploitation. It also amends the territorial scope of the offence – see comments.	Summary – stat max fine, 6 months imprisonment or both. Indictment – unlimited fine, 14 years imprisonment or both.	The offences contained in sections 57-59 currently apply to anything done; (a) in the United Kingdom, (b) outside the United Kingdom by a British citizen (or other related categories), or (c) outside the United Kingdom by a body incorporated under the law of a part of the United Kingdom. However s.31(4) of the UK Borders Bill broadens the territorial scope of the trafficking offences to encompass acts of facilitation for the purposes of exploitation undertaken anywhere in the world, regardless of the nationality of the perpetrator. Section 60 lists the relevant offences.
		Section 58(1)	Offence of arranging or facilitating travel within the United Kingdom by a person, where the accused intends to commit a relevant offence in respect of that person [sexual offence] or believes that another person is likely to do so.	As above for 57(1)	See comments s.57(1)
		Section 59(1)	Offence of arranging or facilitating the departure from the United Kingdom of a person, where the accused intends to commit a relevant offence in respect of that person [sexual offence] outside the United Kingdom or believes that another person is likely to do so.	As above for 57(1)	See comments s.57(1)

APPENDIX C - LIST OF CIVIL PENALTIES:

The imposition of any of these (within the previous five years) may lead to us refusing an application for a sponsorship licence, awarding a B-rating or withdrawing a licence.

ACT	SECTION	OFFENCE
Immigration and Asylum Act 1999	32-37	Carrying clandestine entrants
Immigration and Asylum Act 1999	40-41	Carrying passengers without proper documents
Nationality, Immigration and Asylum Act 2002	124	Bringing passenger to United Kingdom without authority to carry
Immigration, Asylum and Nationality Act 2006	15	Employing an illegal migrant worker

APPENDIX D - KEEPING DOCUMENTS

- The following documents can either be kept as paper copies or in an electronic format.
- There is no prescribed method for storing the documents, but the sponsor must be able to make them available to us on request.

Document	Duration that document must be kept
For Sponsorship	
All documents submitted as part of the sponsor's application to become a licensed sponsor.	Duration of the sponsors licence.
Detailed job description outlining the duties and responsibilities of the post and must include the skills, qualifications and experience required for the post.	For the duration the migrant is sponsored.
Any other document specified in the relevant code of practice.	Duration of the sponsors licence or for the duration the migrant is sponsored.
For each migrant employed	
Copy of the migrant's passport, including page(s) showing leave stamps, or immigration status document. This must show the migrants entitlement to work for you as a sponsor.	For two years after migrant is no longer sponsored.
Copy of the migrants United Kingdom Biometric Card.	For two years after migrant is no longer sponsored.
Copy of the migrants National Insurance Number, unless the migrant is exempt from requiring one. For example, where applicable, copy of the migrants NI card, wage slip, P45, P46, P60, P11 (employers declaration to HMRC), P14 (employers return to HMRC), P35 (employers annual return to HMRC).	For two years after migrant is no longer sponsored.
A history of the migrant's contact details (United Kingdom residential address, telephone number, mobile telephone number). This must be updated regularly.	For the duration the migrant is sponsored.
Record of the migrant's absence (tiers 2 & 5). For example, this may be kept either electronically or manually.	For the duration the migrant is sponsored.
Copy of any contract of employment between the sponsor and the migrant.	For the duration the migrant is sponsored.
Any other document specified in the relevant code of practice.	For the duration the migrant is sponsored.
Resident labour market test (Tier 2 and Tier 5)	
Where the vacancy was advertised in the national newspaper or professional journal, the sponsor must keep a copy of the job advertisement as it appeared in the given medium, the copy should clearly show the title of the publication and the date(s) and/or where applicable a copy of the letter or invoice to prove an advertisement was placed. (Invoice is only required where the advertisement does not show the name of the organisation)	For the duration the migrant is sponsored.

Appendix D - Keeping documents

Document	Duration that document must be kept
Where the vacancy was advertised on the web, the sponsor should keep 1 or 2 weeks of screen prints clearly showing where job was advertised, the contents of the advert, the date and the URL and/or where applicable copy of the letter or invoice to prove an advertisement was placed.	For the duration the migrant is sponsored.
Where the vacancy was advertised on the company's own website the sponsor should keep 1 or 2 weeks of screen prints clearly showing where job was advertised, the contents of the advert, the date and the URL.	For the duration the migrant is sponsored.
Where a job has been advertised in Jobcentre Plus, a copy of the Jobcentre Plus letter confirming details of the contents of the advertisement, dates placed, vacancy reference number.	For the duration the migrant is sponsored.
Where head-hunters were used for the recruitment, we need a copy of the contract between the head-hunter and sponsoring organisation and/or a copy of the brief and/or or copy of the report produced, copy of the invoice, copies of any adverts placed - the copy should clearly show the title of the publication and the date(s) and a copy of the advert as it appeared.	For the duration the migrant is sponsored.
For milk-rounds we will need a letter from each university – on their headed paper – confirming the milkround, dates it was conducted and method used, for example, presentation and/or interview method.	For the duration the migrant is sponsored.
If the recruitment was done using a recruitment agency, we will need a copy of the contract between the recruitment agency and sponsoring organisation, copy of the invoice, copies of any adverts placed - the copy should clearly show the title of the publication and the date(s) and a copy of the advert as it appeared.	For the duration the migrant is sponsored.
Where the migrant is switching from the Tier 1: Post study category, the sponsor will be asked to provide evidence that the migrant had been working at the company for at least the last 6 months prior to application. For example, payslips or company accounts that clearly show a wage being paid to that specific migrant. Accounts that show only 'wages for personnel' but not specifically that migrant by name or other unique identifier are not considered acceptable. Payslips must be formal payslips or on company-headed paper. If the payslips are not on headed company paper, or the company only uses online payslips, the company must provide a signature and stamp on a print-out to authenticate the evidence.	For the duration the migrant is sponsored.
If a sponsor is recruiting a named researcher under Tier 2 (General), they will need to keep a copy or the peer reviewed funding agreement as evidence of the resident labour market test.	For the duration the migrant is sponsored.
For sponsors recruiting under Tier 2 (Sport), they will need to keep copy of the Governing Body endorsement as evidence of the resident labour market test.	For the duration the migrant is sponsored.
Any other document specified in the relevant code of practice.	For the duration the migrant is sponsored.
	For the duration the migrant is sponsored.

Appendix D - Keeping documents

Document	Duration that document must be kept
All sponsors must retain the documents from the recruitment process, this must include	
<ul style="list-style-type: none"> •All expressions of interest received, all applications received, in the medium they were received. For example, emails, CV's, application form etc. This should include the applicants name, address, etc; and •The names and number of people who applied; and •The names and number of applicants short-listed for interview; and •Notes from the interviews conducted; and •For each EEA national who applied, reasons why they have not been employed. 	For the duration the migrant is sponsored.
Tier 5 (Creative), where no code of practice exists and the migrants fall within one of the 4 categories	
<p>Category 1 The sponsor must be able to provide the following evidence to prove that the migrant is currently, (or has recently been) working on the same production outside the European Economic Area for at least one month. For example:</p> <ul style="list-style-type: none"> •contract of employment; •press cuttings; •cast list. 	For the duration the migrant is sponsored.
<p>Category 2 The sponsor must be able to provide the following evidence to prove that the migrant has international status. For example:</p> <ul style="list-style-type: none"> •press cuttings; •awards; •publicity material; •television/radio interviews; •performance programmes. 	For the duration the migrant is sponsored.
<p>Category 3 The sponsor must be able to provide the following evidence to prove that the migrant is established at the highest level in their profession:</p> <ul style="list-style-type: none"> •relevant past publicity material or press reviews with the source clearly identified. (For groups, publicity material must clearly explain the status of each member of the group); and •printed programme, record, CD or audio cassette material (or their covers. If these are not in English, you must provide a certified translation) <p>Please note, biographical articles in magazines or the press about groups or individuals are not acceptable.</p>	For the duration the migrant is sponsored.

Appendix D - Keeping documents

Document	Duration that document must be kept
<p>Category 4</p> <p>The Sponsor must be able to provide the following evidence to prove that the migrant is engaged by a unit company:</p> <p>Publicity material on the unit company as a whole. This must include:</p> <ul style="list-style-type: none"> •a letter from the unit company on letter-headed notepaper which names all the members; •a brochure or programme for the current season. <p>You must also provide evidence to show that the unit company has performed previously. This may include:</p> <ul style="list-style-type: none"> •relevant past publicity material; •printed programmes and schedules; •press reviews with the source clearly identified. 	For the duration the migrant is sponsored.
For intra-company transfer	
<p>Where the migrant is the subject of an Intra Company transfer, the sponsor will be asked to provide evidence that the migrant had been working at the overseas company for at least the last 6 months prior to application. For example, payslips or company account that clearly show a wage being paid to that specific migrant. Accounts that show only 'wages for personnel' but not specifically that migrant by name or other unique identifier are not considered acceptable. Payslips must be formal payslips or on company-headed paper. If the payslips are not on headed company paper, or the company only uses online payslips, the company must provide a signature and stamp on a print-out to authenticate the evidence.</p>	For the duration the migrant is sponsored.
Skill Level	
Copies of any qualifications the migrant holds to confirm skill level. For example, degree certificate, HND etc.	For the duration the migrant is sponsored.
Copies of any registration and/or professional accreditation documents and/or confirmation letter the migrant is required to have in order to do their job. For example where the migrant is a doctor, proof of registration with the General Medical Council.	For the duration the migrant is sponsored.
Where appropriate a copy of the Governing Body Endorsement specific to the migrant.	For the duration the migrant is sponsored.
Any other document specified in the relevant code of practice.	For the duration the migrant is sponsored.

Appendix D - Keeping documents

Document	Duration that document must be kept
Appropriate Rate	
Copies of the migrant's payslips, clearly showing the name, NI number, tax code, any allowances paid and deductions made. Payslips must be formal payslips or on company-headed paper. If the payslips are not on headed company paper, or the sponsor only uses online payslips, the sponsor must provide a signature and stamp on a print-out to authenticate the evidence. Where the sponsor wishes to rely on other account records, we must be able to clearly identify the specific migrants wage in order to assess whether the migrants actual wage is the same as that originally stated on the certificate of sponsorship for that migrant.	For the duration the migrant is sponsored.
A clearly marked copy of wage information based on SOC code for the migrant's job, used on the certificate of sponsorship from the appropriate source.	For the duration the migrant is sponsored.
Any other document specified in the relevant code of practice.	For the duration the migrant is sponsored.
For each student enrolled under Tier 4 Child Student or General Student category, the sponsor must keep copies of the following documents	
Keep a copy of all its non-EU students' passports showing evidence of their entitlement to study with them.	For two years after student is no longer sponsored.
A history of the student's contact details (United Kingdom residential address, telephone number, mobile telephone number). This must be updated regularly.	For the duration the student is sponsored.
Record of the student's absence/attendance, this may be kept either electronically or manually.	For the duration the student is sponsored.

APPENDIX E – UKTI LETTER

SPONSORSHIP: EXAMPLE OF SECONDARY EVIDENCE LETTER

Letter should be addressed/sent to company requesting sponsorship

This is to confirm/verify that **(company name)** is known to UK Trade & Investment (UKTI).

UKTI is the Government organisation which helps businesses locate in the UK and grow internationally. It is a joint BERR/FCO organisation.

UKTI has assisted the company with regard to its recent UK investment/existing UK operation.

This is not, and should not be considered, a letter of support, endorsement or assurance of the company's legitimacy but simply a factual statement of UKTI's involvement/relationship with the company.
