



Sponsorship Duties and Responsibilities overview

Principles of sponsorship

- Holding a sponsor licence is a privilege and not a right
- Those who benefit from Skilled Workers (sponsors) bear responsibility for ensuring that the sponsorship system is not abused
- Sponsorship duties are comprehensive and enduring throughout the lifetime of a licence
- Duties go beyond individual sponsored workers and extend to general responsibilities such as preventing illegal working

Who is responsible for meeting the duties?

As part of a licence application, the sponsor will nominate 3 members of key personnel within the business:

- Authorising Officer – a senior member of the organisation taking overall responsibility for sponsorship
- Key Contact – receives UK Visas and Immigration correspondence and must ensure that messages are relayed to appropriate parties
- Level 1 SMS User – has access to the Sponsorship Management System and bears responsibility for ensuring that UK Visas and Immigration remains updated about any changes to licence details or individual sponsorship

If the sponsor guidance is breached by an organisation, these key individuals can be prevented from holding similar levels of responsibility in future.

What are the main duties and responsibilities?

Record-keeping

- Sponsors must ensure that they maintain clear records relating to their licence, their sponsored workers, and their general HR practices
- All documents submitted to support a licence application should be stored for future UK Visas and Immigration inspection, if required
- All documents relating to individual sponsored workers and their recruitment should be stored for future UK Visas and Immigration inspection, if required:

- This includes the individual's ID documents, such as passport and immigration document
- It includes evidence about the role being sponsored, such as job description, contract of employment, payroll data
- Where relevant, it includes evidence of the genuine nature of the vacancy such as previously listed job adverts and applications received
- Clearly identifiable HR processes and procedures should be available for inspection:
 - This includes recruitment and onboarding processes such as Right to Work Checks, and how those are maintained
 - It includes Staff Handbooks or similar documents
 - It includes processes for maintaining accurate contact details for workers, as well as their attendance and leave records

Reporting

- Sponsors are required to report via the online Sponsorship Management System any specified events
- For the sponsoring organisation this includes:
 - Significant changes in size
 - Moving premises
 - Changes in key personnel
 - Changes to the ownership structure of the business, even if small

In some cases these changes can trigger the need to apply for a new licence
- For individual sponsored workers this includes:
 - Changes in salary, such as in response to annual appraisal
 - Changes to job description and duties
 - Early cessation of sponsorship
 - If the employee stops attending work

In some cases these events can trigger the need for the worker to apply for new sponsorship

The sponsor duties are wide-reaching, and all sponsors should read and remain familiar with the [published sponsor guidance](#).

Enforcement action

At any time from the submission of an application for a sponsor licence, UK Visas and Immigration may decide to carry out a compliance visit at the sponsor's premises. Pre-licence these consider the organisation's processes and procedures, to assess whether they can carry out the sponsor duties as required. Prospective sponsors are also assessed to determine whether their proposed sponsored roles represent genuine vacancies suitable for sponsorship. Post-licence visits result in detailed review of a sponsor's compliance with their duties, and a review of their management of sponsored workers so far.

Where a compliance visit is successful, it results in a licence being issued or maintained. Where the visit is unsuccessful, the outcomes for the organisation can be severe.

Prospective licence holders who fail their inspection will be refused a licence and potentially frozen out from re-applying for a period of at least 6 months. There is no appeal against such a decision.

Existing licence holders who fail their inspection will be suspended from the register of sponsors, meaning that they cannot issue new sponsorship to any employee. They will be notified of their alleged breaches of the sponsor duties, and given 28 days to respond. After the response has been considered by UK Visas and Immigration, one of the following outcomes will occur:

- The licence will be reinstated, so existing and future sponsorship can continue;
- The licence will be downgraded and an *action plan* imposed, setting out steps the sponsor must take and the permitted timeframe. While an action plan remains in place, no new sponsorship can occur but existing staff may continue working;
- The licence will be revoked, so all existing sponsorship is terminated and no future sponsorship is permitted. There is no appeal against this decision.

Right to Work checks

Preventing illegal working is a key duty for a licensed sponsor. While there is no legal obligation to conduct a right to work check for a worker, failure to do so will be treated as an indication that the business is not a suitable sponsor of Skilled Workers.

Right to Work checks also protect an organisation from civil penalties in the event that an illegal worker is employed. Showing that (before employment commences) a worker's proof of their right to work will be inspected, copied, and stored is a recommended step for anyone employing other staff members, regardless of their nationality. #

More information concerning Right to Work checks is available from the [UK Visas and Immigration website](#).