

WATSON FARLEY  
&  
WILLIAMS

UK: IMMIGRATION  
KNOWLEDGE & RISK  
HOME OFFICE MOCK AUDITS



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## WATSON FARLEY & WILLIAMS: KEY FACTS

140+  
PARTNERS

FOUNDED  
1982

14  
OFFICES

500+  
LAWYERS

11  
COUNTRIES

OVER 20  
LANGUAGES SPOKEN

## HOME OFFICE MOCK AUDITS

If you are a Tier 2 or Tier 5 Sponsorship Licence holder (a “Sponsor”) under the Points-Based System, you will be inspected by the Home Office at some point during the validity of the Licence.

### The Regulations

The Home Office requires Sponsors to comply with their sponsorship obligations. In order to monitor this, it will conduct checks either before or after a Sponsorship Licence has been granted to ensure that the Sponsor is operating in accordance with the Government’s immigration compliance regime. A Home Office inspector will review a Sponsor’s record keeping, reporting and immigration status monitoring processes and documentation to ensure that the Sponsor remains compliant.

Sponsors failing to meet the Home Office’s minimum standards risk having their Sponsorship Licence downgraded or, in severe circumstances, revoked entirely with repercussions for sponsored employees. Sponsors found to be non-compliant may also be “named and shamed” on the Home Office website. In the past, high profile organisations have been found to be employing illegal immigrants and have received negative unwanted publicity from the Home Office. Failure to remain compliant can result in fines, the curtailment of sponsored migrants’ visas and reputational damage.

In cases where migrants were “knowingly” employed, the maximum penalty is a prison sentence of two years and/or an unlimited fine.



More generally as part of any organisation’s overall compliance process across its business, we would recommend there being an annual internal or external immigration audit.

### WFW Bespoke Services

Our mock immigration audit will ensure that you, as a Sponsor, are well prepared for a Home Office audit.

Our immigration experts will play the role of the Home Office inspector; their experience enables them to offer Sponsors invaluable insight into what the Home Office will assess when carrying out an inspection, identifying problems both large and small to ensure that Sponsors do not fall foul of the Home Office’s stringent compliance regulations. Our mock audit can be followed up with a comprehensive written report with identified risks and recommendations.

“... EFFECTIVE, DECISIVE,  
AND PROVIDES HELPFUL AND  
CONSTRUCTIVE ADVICE”

CHAMBERS UK 2016

### The WFW Audit

During the Audit, we will address the key areas that are likely to be checked by the Home Office by undertaking a diagnostic assessment of HR files and processes.

We can tailor the extent and scope of the Audit to suit your individual needs, with our services offering:

- an initial interview with the Authorising Officer and Key Contact to prepare them for the type of questions a Home Office inspector is likely to ask;
- assessing the form in which Sponsorship Licence and personnel documentation is maintained by the Sponsor to identify any gaps in the records;
- investigating HR record keeping, tracking and monitoring systems to confirm that they are sufficient for the Home Office's compliance requirements
- carrying out an in-depth diagnostic assessment of Sponsored migrants' personnel files, flagging areas for improvement and document deficiencies;
- reviewing the documentation submitted with the Sponsorship Licence to clarify whether the information provided matches up with the Sponsor's internal records; and
- interviewing sponsored migrants to determine whether they are familiar with the terms and conditions of their UK visas.

### The WFW Assessment

Following the visit, we can provide a detailed report with a summary of our findings, including identified areas of risk and recommendations for improvements across each of the compliance areas the Home Office will assess in the event of an inspection. Alternatively, we can provide our assessment verbally in a follow-up conference call.

Depending on the level of recommendations, we can undertake a follow-up audit to further assess the changes that have been implemented.



## WHAT OUR CLIENTS SAY

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Clients have found the Audit process extremely useful either in terms of checking that their compliance procedures are complete and up-to-date, or as invaluable regulatory training. We have carried out mock audits for a variety of clients in a range of sectors, including in the fields of technology, education, leisure and shipping.



### GEARBULK

"We have worked with WFW on immigration matters for over 15 years. They have provided advice to us on a variety of immigration issues and have assisted us with applying for work permits and obtaining our Sponsorship Licence. In connection with this they conducted a mock immigration audit during which they checked our Employee files and records to ensure that we would be compliant should we be subject to an audit with the UKBA. This proved to be extremely helpful and we subsequently successfully passed our UKBA audit."



### PAGEGROUP

"The mock audit which WFW conducted at PageGroup helped us to identify our areas of risk and to fully prepare for an upcoming audit from the Home Office. The mock audit left us feeling confident in our procedures regarding immigration and we feel that it contributed to us successfully retaining our A grade sponsorship rating. We would highly recommend other Companies to utilise WFW's mock audit service."

## CONTACTS

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