



UK Visas & Immigration

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Dear Sir or Madam

Thank you for your enquiry about licensed sponsors and Home Office action taken as a result of their non-compliance with the Immigration Rules.

Every individual or business who successfully applies for a sponsor licence agrees, at the outset, that they will fully comply with their responsibilities as a sponsor, in line with the published guidance. The document, *Tiers 2 and 5: guidance for sponsors*, defines the sponsor role, their responsibilities and the consequences of failing to meet those responsibilities.

<https://www.gov.uk/government/publications/sponsor-a-tier-2-or-5-worker-guidance-for-employers>

Sponsorship is based on 2 principles:

- those who benefit most directly from migration; employers, education providers or other bodies who are bringing in migrants, should play their part in ensuring the system is not abused.
- we need to make sure that those applying to come to the UK for work or to study are eligible and that a reputable employer or education provider genuinely wishes to take them on

Sponsorship plays 2 main roles in a migrant's application for permission to come to, or remain in, the UK to work:

- where appropriate, it provides evidence that the migrant will fill a genuine vacancy that cannot be filled with a suitably qualified or skilled settled worker

- it involves a pledge from the sponsor that it accepts all of the duties expected when sponsoring the migrant

When a sponsor is granted a Tier 2 or Tier 5 licence, significant trust is placed in them. With this trust comes a responsibility to act in accordance with the Immigration Rules and all parts of the Tiers 2 and 5: guidance for sponsors. We have a duty to ensure that all sponsors discharge these responsibilities and will take compliance action when it is considered that a sponsor has failed to do so, or otherwise poses a risk to immigration control.

The majority of those who employ overseas workers are honest and willing to comply with their duties. Because sponsorship transfers 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. We place great weight on the importance of trust in the operation of the sponsorship system and the need to ensure that sponsors take their duties seriously.

We have measures to make sure that we enforce sponsors' duties and identify dishonest or incompetent sponsors early. These include a licence being suspended, revoked or downgraded, a limit place on the number of CoS which can be assigned or unused CoS being withdrawn.

Where we have reason to believe that a sponsor has breached their sponsorship duties, we will consider the nature of the suspected breach.

Where the breach is a minor issue, the sponsor is willing and able to correct it, and poses no continuing threat to immigration control, we will, in most cases, support them in making the relevant improvements by issuing an action plan which sets out the steps they must take in order to retain their licence.

Where there is a serious breach indicating:

- a significant or systematic failing
- the sponsor no longer meets the eligibility or suitability requirements for holding a licence
- we consider that a sponsor constitutes a serious threat to immigration control

we may decide either to suspend their licence and investigate further or to revoke their licence without prior suspension.

We may suspend a licence and investigate further when there has been sustained non-compliance over a period of time, or where there have been a number of breaches which are minor in themselves but – taken together – indicate a serious or systematic failing.

If we have grounds to believe that a sponsor constitutes a serious threat to immigration control, we may revoke their licence without prior suspension.

Every sponsor is treated on an individual basis and, as published, is subject to compliance action. To obtain information relating to the reasons for compliance action towards sponsors, the triggers of such action and the outcomes would require a manual case by case search and cross-referencing of all relevant records which would incur disproportionate cost. Unfortunately, this means that we are unable to provide you with an answer to your specific question. However, you may be interested in the information provided within the Sponsorship Transparency Data published on the Government website. You can read this by accessing the following link;

<https://www.gov.uk/search/all?keywords=sponsorship+transparency+data&order=relevance>

The main reasons for compliance action taken are listed in Appendices 5 and 6 of the *Tiers 2 and 5: guidance for sponsors* (please see link above).

Yours faithfully

J Slater
Central Operations

We value your feedback, please use the link below to access a brief anonymous survey to help us improve our service to you:

<http://www.homeofficesurveys.homeoffice.gov.uk/s/108105TAZNG>