

## Appendix D: keeping documents guidance for sponsors

This document is for Tiers 2, 4 and 5 sponsors. It is an appendix to the full policy guidance on [sponsoring a worker](#) or [student](#). It lists the documents you must keep to meet your sponsorship requirements.

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 you must be able to make them available to us on request.

All documents must be kept for whichever is the shorter period of either:

- one year from the date you end your sponsorship of the migrant, or
- if the migrant is no longer sponsored by you, the point at which a compliance officer has examined and approved them

You should note some documents that you must keep as part of your sponsorship duties may also need to be kept for other purposes and for longer periods of time. You must ensure that you meet any other legal requirements for record keeping, such as ones set by us or another government department.

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All documents provided as part of your application to become a licensed sponsor must be kept for the duration of the period covered by your licence.

### Part 1: for each migrant sponsored under Tiers 2 or 5

- a. Copy of each sponsored migrant's current passport pages showing all personal identity details (including biometric details), leave stamps, or immigration status document including their period of leave to remain (permission to stay) in the UK. This must show the migrant's entitlement to work for you as a licensed sponsor. In the absence of an entry stamp, other evidence such as the travel ticket to the UK or boarding card should be kept. The only exception to this is when a migrant is employed for one day or less and it is not practicable to obtain a copy of the documents.
- b. Copy of the migrant's biometric residence permit (BRP).
- c. Where the migrant is a Croatian national subject to worker authorisation, a copy of their Purple Registration Certificate showing entitlement to work for you as their sponsor.
- d. Copy of the migrant's National Insurance (NI) number, unless the migrant is exempt from requiring one. This could be a copy of one of the following:
  - migrant's NI card or NI number notification letter from HM Revenue & Customs (HMRC) or the Department for Work and Pensions (DWP)
  - migrant's wage slip
  - migrant's P45
  - Real Time Information (RTI) starter checklist - formerly **P46**
  - P60
  - P11 free of tax pay (FOT): employers declaration sent to HMRC
  - RTI Employment Payment Summary (EPS) sent online to HMRC - formerly P14: employers annual return sent to HMRC manually
  - RTI Full Payment Submission (FPS) sent online to HMRC - formerly P35: employer's annual return to HMRC
- e. A history of the migrant's contact details (UK residential address, telephone number, mobile telephone number). This must always be kept up to date.
- f. In the case of the employment of a child aged under 18, a copy of a letter from the migrant's parents or legal guardian, or just one parent if that parent has sole legal responsibility for the child, consenting to the arrangements that have been made with regard to the child's application, travel, reception and care arrangements in the UK.

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- g. A copy of the migrant's Disclosure and Barring Service (DBS) check where required for the role undertaken by the sponsored migrant.
- h. Record of the migrant's absences, which may be kept electronically or manually.
- i. Any other document set out in the relevant code of practice.
- j. If you are licensed under Tier 5 (Temporary Worker) International Agreement to sponsor contractual service suppliers or independent professionals, you must keep a copy of any contract you have awarded for the supply of service to you and either of the following:
  - the tender document for that contract
  - evidence of how the contract was awarded if it was not formally tendered

### Part 2: resident labour market test Tiers 2 and 5

- a. Where you have used a rolling recruitment programme, all the documents set out in this section must clearly show that it is a rolling programme and must indicate the period of the recruitment exercise.
- b. Where the vacancy was advertised in a national newspaper or professional journal, you must keep a copy of the job advertisement as it appeared in the given medium. The copy must clearly show the title and date of the publication and the closing date for applications.

Where the advertisement does not show your name, a copy of a letter or invoice from the newspaper and/or journal will be required, to prove an advertisement was placed.

**Note:** although there is no requirement to undertake a resident labour market test in all cases, if you have told us you have done so you should retain the evidence,

- c. For milkrounds, you must keep a letter from each university, on their headed paper, confirming the milkround, the dates it was conducted and method used, for example, presentation and/or interview method.
- d. A copy of the contents of the job advert which must include the job title, the location of the job, the main duties and responsibilities of the job which must include the skills, qualifications and experience needed, an indication of the salary package or salary range and the closing date for applications.
- e. Where the vacancy was advertised on the internet, including where it is advertised on your own website (where this is allowed in the guidance), you must keep a screen shot from the website hosting the advertisement, on the day the vacancy is first advertised, which clearly shows **all** of the following:

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- name of the website
- contents of the advert
- date and the Uniform Resource Locator (URL); a global address used to locate the vacancy on the internet
- closing date for applications

**Note:** if the website clearly shows the date the vacancy was first advertised, the screen shot can be taken at any point during the period the vacancy is advertised.

- f. Where the advertisement is not on your own website and does not show your name, a copy of a letter or invoice from the website will be required, to prove that an advertisement was placed.
- g. Where the vacancy has been advertised online through Jobcentre Plus or Jobcentre Online, you must keep a screen shot from the relevant government website on the day the vacancy is first advertised which clearly shows **all** of the following:
- logo of the relevant government website hosting the job advertisement
  - contents of the advert
  - vacancy reference number for Universal Jobmatch vacancies this is the 'Job ID number' and for Jobcentre Online this is the Job Reference number
  - date
  - URL for Universal Jobmatch vacancies this also contains the Job ID number
  - closing date for applications

**Note:** the GOV.UK website will, over time become the main portal for government services and information in the UK. The following are accepted as relevant government websites for jobs advertised using Universal Jobmatch or, Jobcentre Plus for jobs advertised before 19 November 2012:

- JobCentre Online
  - GOV.UK
  - Direct Gov
- h. If the job was not advertised through JobCentre Plus or Jobcentre Online because of Stock Exchange disclosure requirements, you must keep a copy of the formal announcement such as a screen shot of the published announcement, made via a regulated information service approved by the [Financial Conduct Authority \(FCA\)](#).
- i. If you recruit under the Tier 2 (Sportsperson) and/or Tier 5 (Temporary Worker) Creative and Sporting categories in the sports sector, you must keep a copy of the governing body endorsement as evidence of the resident labour market test and any other document set out in the relevant code of practice.

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- j. If you recruit a sponsored researcher under Tier 2 (General), you must keep evidence of the competitive process that took place. This could be an advertisement for the grant, a programme for the selection process, the judging criteria or any other evidence.
- k. You must retain the following documents from any recruitment process:
  - all applications short listed for final interview, in the medium they were received, for example, emails, CV's, application form - this should include the applicant's details such as name, address, date of birth
  - the names and total number of applicants short listed for final interview
  - for each [settled worker](#) who was rejected, interview notes which show the reasons why they have not been employed

### Part 3: appropriate rate

- a. Copies of the migrant's payslips, clearly showing the name, NI number, tax code, any allowances paid and deductions made. For limited liability partnership (LLP) members you must keep copies of the migrant's evidence of drawings and profit share.
- b. Evidence of the amount and frequency of all salary payments made to each migrant, showing the transfer of each payment into the named migrant's bank account or onto their pre-paid card, for example a FOREX card.

Where you wish to rely on other account records, we must be able to clearly identify the specific migrant's wage in order to assess whether the migrant is being paid in line with what you originally stated on their certificate of sponsorship and with rules set out in guidance. Accounts that show only 'wages for personnel' but not specifically the migrant by name or other unique identifier are not considered acceptable.

This is not required for contractual service suppliers.

- c. A copy of any contract of/for employment/services between the sponsor and the migrant which clearly shows all the following:
  - the names and signatures of all parties involved - normally, this will only be you and the migrant
  - the start and end dates of the contract
  - details of the job, or piece of work that the migrant has been contracted to do
  - an indication of how much the migrant will be paid
  - the names and signatures of all parties involved - normally, this will only be you and the migrant

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**Note:** if you are sponsoring a contractual service supplier or independent professional under the Tier 5 (Temporary Worker) International Agreement category, the contract between you and the supplier of the service does not have to specify how much an individual migrant will be paid. This is not required, as it is unlikely that you will know how much your sponsored migrant will be paid.

- d. Where the migrant receives any allowances as part of their salary package, evidence of the value of those allowances must be kept unless they are clearly shown in a contract of/for employment/services, or on the migrant's payslips.

Below are 2 examples

### Example 1

If the migrant receives help with accommodation by way of housing being provided, you must have evidence from the owner or letting agent for the property concerned which clearly states the value of the rent payable by you on the property.

### Example 2

If the property is owned by you, there must be an independent assessment of the monthly rent achievable from the property concerned.

This is not an exhaustive list and you must be able to accurately document the value of any allowances you pay in cash or by way of goods and/or services so that we can be satisfied that they are being paid in accordance with the rules set out in this guidance.

This is not required for contractual service suppliers or independent professionals sponsored under Tier 5 (Temporary Worker) International Agreement category.

- e. Any other document set out in the relevant code of practice.

## Part 4: skill level

- a. From 19 November 2015, if not provided at [Part 2d](#), a detailed and specific job description outlining the duties and responsibilities of the post which must include the skills, qualifications and experience required for the post.
- b. Where it was a requirement within the job advert, copies of any qualifications the migrant holds to confirm skill level such as degree certificate or Higher National Diploma (HND).

This is not required for contractual service suppliers or independent professionals sponsored under Tier 5 (Temporary Worker) International Agreement category.

- c. From 19 November 2015, in Tier 2 (General) where no resident labour market test was undertaken, copies of any qualifications the migrant holds to confirm skill level,

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such as degree certificate, HND and/or documents that show the migrant had the skills and experience to do the job. This could be references from a previous employer or other evidence of experience.

- d. Copies of any registration and/or professional accreditation documents and/or any confirmation letter the migrant is required to have in order to do their job. This could be where the migrant is a doctor, proof of registration with the General Medical Council.

This is not required for contractual service suppliers or independent professionals sponsored under the Tier 5 (Temporary Worker) International Agreement category.

- e. Where appropriate a copy of the sport governing body endorsement specific to the migrant.
- f. For those coming to the UK under the entourage provisions in the Creative and Sporting sub category of Tier 5, details of the migrant's technical or specialist skills must be retained.

### Part 5: for each migrant endorsed under Tier 1 (Graduate Entrepreneur)

- a. Copies or originals where possible of evidence assessed by you as part of the process of selecting the migrant you have endorsed.

### Part 6: for each migrant enrolled under Tier 4 (General) Student or Tier 4 (Child) Student

- a. Copy of each sponsored migrant's current passport pages showing all personal identity details including biometric details, leave stamps, or immigration status document including their period of leave to remain (permission to stay) in the UK. This must show the migrant's entitlement to study with a licensed sponsor in the UK. In the absence of an entry stamp, other evidence such as the travel ticket to the UK or boarding card should be kept.
- b. Copy of the migrant's biometric residence permit (BRP).
- c. Record of the migrant's absence/attendance, this may be kept either electronically or manually.
- d. A history of the migrant's contact details to include UK residential address, telephone number and mobile telephone number. This must be updated regularly.
- e. Where the student's course of study requires them to hold an Academic Technology Approval Scheme (ATAS) clearance certificate, you must keep a copy of the certificate or the electronic approval notice received by you, from the Foreign and Commonwealth Office.

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- f. If you are a Higher Education Institution (HEI) endorsing a migrant under the Tier 1 (Graduate Entrepreneur) route, you must keep evidence of the selection process that resulted in that endorsement.
  
- g. For migrants in the Tier 4 (Child) Student category who are going to be cared for in the UK in a private foster care arrangement during their stay, you must, as soon as you become aware of the migrant's arrival, provide details of the name of the foster carer and of the address where the foster carer and the migrant will be living, to the local authority in whose area the child will be living. In addition, where a Tier 4 (Child) Student is already in the UK and a private foster care arrangement subsequently commences, you must provide details of the name of the foster carer and the address where the foster carer and the student will be living, to the local authority in whose area the child will be living as soon as you become aware of the change in their care arrangements. This is to ensure that the local authority is made aware of the arrangement as soon as possible. You must keep a record of the notification to the local authority.
  
- h. Copies or originals where possible of any evidence assessed by you as part of the process of making an offer to the migrant; this could be copies of references, or examination certificates.