



CARE ENGLAND
The voice of care

UKVI Mock Audits: Prepare for Inspections

UK Immigration Compliance Solicitors

| Aston Brooke Solicitors

- Aston Brooke Solicitors, a specialist law firm with extensive experience in **Corporate Immigration & Compliance Law**
- The firm is well-placed to support care providers navigating the complexities of UKVI immigration laws and sponsorship compliance.
- Aston Brooke offers an invaluable opportunity for clients to access **expert legal guidance**, ensuring their ongoing compliance and sustainability in an evolving regulatory landscape.



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| Aston Brooke Solicitors

- Aston Brooke recognises the essential role international workers play in the care sector.
- With the Home Office intensifying post-licence visits and compliance checks, having the right legal expertise is crucial for care providers holding a sponsor licence.
- The firm is committed to equipping clients with the knowledge and tools they need to maintain compliance and retain their sponsor licences.



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| SERVICES FOR PROVIDERS



Assist employers
in applying for a
sponsor licence



Legal
representation on
compliance audits



Pre-audit
compliance checks &
UKVI mock audits



Online case
management
solution



Training courses &
webinars for providers



Skilled worker visa
applications for the
sector



Judicial review



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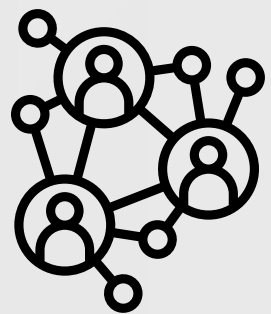
| Bespoke Immigration Platform



A bespoke and cutting-edge online platform that streamlines the sponsorship and compliance process with real time updates on sponsored employees.



This system has been vetted and demonstrated to the UKVI who have confirmed that it complies with employer's sponsorship duties



The platform ensures compliance of all five areas of sponsorship obligations and avoid any pitfalls.



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| SLU Desktop Compliance

- How recent reforms in the Immigration System are affecting adult social care including the **Sponsor Assurance Admin Team**
- There has been an **exponential increase** in revocations of skilled worker sponsor licences in the Social Care Sector.



| SLU Desktop Compliance

➤ The desktop compliance team is running a particularly vigorous campaign against care providers - supported by data sharing from HM Revenue & Customs. This is not a routine compliance activity.

➤ **UKVI is actively cross-checking:**

- Certificates of Sponsorship against HMRC RTI Data
- Salary thresholds and underpayment risks
- Genuine vacancy evidence
- Working hours and unpaid leave patterns
- Reporting and record-keeping compliance



| Salary Compliance Rules



COMMON RISK AREAS

- Pay falling below threshold in any period
- Unpaid or excess hours reducing hourly rate
- Inconsistent pay patterns
- Incorrect SOC code / going rate



| Immigration Compliance in the Care Sector

➤ The Home Office assess five individual areas of your HR systems which are:

Area 1: Monitoring immigration status and preventing illegal employment.

Area 2: Maintaining migrant contact details

Area 3: Recordkeeping

Area 4: Migrant tracking and monitoring

Area 5: Recruitment practices and professional accreditations



| Immigration Compliance in the Care Sector

The Home Office will rate care providers HR systems and compliance as follows:

- You meet all of the criteria *or* are fully compliant which results in a “A” rating.
- You only meet some of the criteria *or* are partially compliant which results in a “B” rating.
- You do not meet any of the criteria *or* are non-compliant

| Immigration Compliance in the Care Sector

- It is now more **important** than ever for employers in the care sector to remain compliant with the immigration rules and uphold their sponsorship duties, as the Home Office continues to crack down on rogue employers in high-risk sectors.
- The firm's **UKVI mock audit service** provides and invaluable insight into the post licence UKVI inspections
- Providers are prepared for the visit and interview questions are provided

| UKVI MOCK AUDIT

Our UKVI mock audits are a two-stage process:

- Stage 1: HR File Audit
- Stage 2: Mock Interview

| UKVI MOCK AUDIT

Stage 1: HR File Audit

We request copies of the current HR files for any sponsored migrants coupled with any other employees subject to immigration control.

This would mean only the following documents:

- 1:** Passport
- 2:** BRP card/ Right to work check/ ECS check
- 3:** Copy of the CoS
- 4:** Job description
- 5:** Contract of employment
- 6:** Last 6 months payslips



| UKVI MOCK AUDIT

Stage 2: Mock UKVI Interview

- A Teams meeting is arranged where we conduct a UKVI mock interview. This entails the same process adopted by the UKVI at visits.
- This provides an invaluable insight into the interview process and the relevant documents, systems, processes which are reviewed and audited. I also have a **copy of the interview questions** which I will forward to you for review.
- At the end of the audit we also discuss the file audit report from Stage 1.



| How To Avoid Delays In CoS Allocations

- Plan recruitment well in advance
- Avoid last-minute or emergency requests
- Keep sponsor licence details up to date
- Ensure consistency across:
 - **SMS**
 - **Contracts**
 - **Payroll and rotas**

| Reducing UKVI Scrutiny

- Avoid excessive CoS requests without explanation
- Keep salaries and roles stable where possible
- Maintain clear workforce planning evidence
- Demonstrate financial stability and genuine demand



| When A Migrant's Leave Is Expiring

➤ **High-Risk Scenario**

Worker's visa nearing expiry
No CoS allocation available

➤ **Risk of:**

- Loss of lawful status
- Illegal working penalties

➤ **Disruption to care services**



| Safeguarding Status: Section 3C

➤ **What is Section 3C?** ***Section 3C Immigration Act 1971***

Extends a migrant's leave

➤ **Applies when:**

- A valid application is submitted
- Before existing leave expires



| Why Section 3C is Critical

- Migrant can:
 - Remain lawfully in the UK
 - Continue working under same conditions
- Protects employer from illegal working
- Maintains continuity of care

| Employer Responsibilities Under Section 3C

- Ensure application submitted in time
- Keep evidence of submission
- Conduct follow-up right to work checks
- Record Section 3C status accurately



| Common Mistakes to Avoid

- Missing visa expiry deadlines
- Assuming Section 3C applies automatically
- Changing role, hours or salary during 3C
- Poor record-keeping



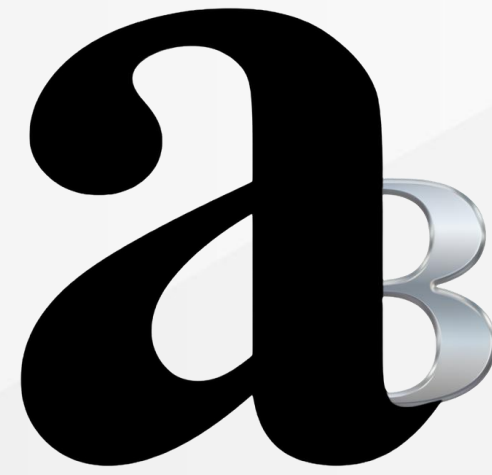
| Common Care Sector Failings

- Workers doing different roles to CoS
- Underpayment or unpaid overtime
- Failure to report changes or SMS obligations
- Inadequate records



| Key Takeaways

- CoS delays are likely to continue
- Early planning reduces risk
- Legal safeguards exist but must be used correctly
- Compliance must never be compromised
- Poor handling can jeopardise your sponsor licence



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| Questions & Answers

| Let's continue the conversation



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