

Appendix D - Keeping documents

APPENDIX D - KEEPING DOCUMENTS

- 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 the sponsor must be able to make them available to us on request.

All documents must be kept for the following length of time unless otherwise stated:

- The duration the migrant is sponsored (if less than one year); or
- One year; or
- Until a visiting officer has examined and approved them;

Whichever is shorter, **unless the document needs to be kept for other purposes¹**.

Document	Duration that document must be kept
For Sponsorship	
All documents submitted as part of the sponsor's application to become a licensed sponsor.	Duration of the sponsors licence.
Detailed job description outlining the duties and responsibilities of the post and must include the skills, qualifications and experience required for the post.	
Any other document specified in the relevant code of practice.	Duration of the sponsors licence or for the duration the migrant is sponsored.
For each migrant employed	
Copy of the migrant's passport, including page(s) showing leave stamps, or immigration status document including their period of leave to remain (permission to stay) in the United Kingdom. This must show the migrants entitlement to work for you as a sponsor.	
Copy of the migrants United Kingdom Biometric Card.	
Copy of the migrants National Insurance Number, unless the migrant is exempt from requiring one. For example, where applicable, copy of the migrants NI card, wage slip, P45, P46, P60, P11 (employers declaration to HMRC), P14 (employers return to HMRC), P35 (employers annual return to HMRC).	
A history of the migrant's contact details (United Kingdom residential address, telephone number, mobile telephone number). This must be updated regularly.	

¹ Sponsors should note that some documents they must keep as part of their sponsorship duties may also need to be kept for other purposes and for longer periods of time. Sponsors must ensure that they meet any other legal requirements for record-keeping, or ones set by us or another government department.

For each migrant employed - continued

Record of the migrant's absence (tiers 2 & 5). For example, this may be kept either electronically or manually.

Copy of any contract of/for employment/service between the sponsor and the migrant.

Any other document specified in the relevant code of practice.

Resident labour market test (Tier 2 and Tier 5)

Note – where a sponsor is using a rolling recruitment programme, all the documents specified below should clearly show that it is a rolling programme and should indicate the period of the recruitment exercise.

Where the vacancy was advertised in a national newspaper or professional journal, the sponsor must keep a copy of the job advertisement as it appeared in the given medium. The copy should clearly show the title and date of the publication and the closing date for applications. Where the advertisement does not show the name of the sponsor organisation, a copy of a letter or invoice from the newspaper and/or journal will be required, to prove an advertisement was placed.

Where the vacancy was advertised on the web, the sponsor should keep a screen shot from the website hosting the advertisement, on the day the vacancy is first advertised, which clearly shows:

- the name of the website; and
- the contents of the advert; and
- the date and the URL; and
- the closing date for applications.

Where the advertisement does not show the name of the sponsor organisation, a copy of a letter or invoice from the website will be required, to prove an advertisement was placed.

Where the vacancy was advertised on the company's own website the sponsor should keep a screen shot from their website on the day the vacancy is first advertised, which clearly shows:

- the name of the website; and
- the contents of the advert; and
- the date and the URL; and
- the closing date for applications

Appendix D - Keeping documents

Resident labour market test (Tier 2 and Tier 5) - continued

Where a job has been advertised in Jobcentre Plus, sponsors must keep a screen shot from the Jobcentre Plus website which hosts vacancies, on the day it is first advertised, which clearly shows:

- The Jobcentre Plus logo; and
- The contents of the advert; and
- The vacancy reference number; and
- The date and URL; and
- The closing date for applications. (This will only show on the advertisement if it has been set to run for any period other than the standard four weeks offered by Jobcentre Plus.)

Where head-hunters were used for the recruitment, we need a copy of the contract between the head-hunter and sponsoring organisation and/or a copy of the brief and/or or copy of the report produced, copy of the invoice, copies of any adverts placed by the head-hunter - the copy should clearly show the title of the publication and the date(s) and a copy of the advert as it appeared.

For milkrounds we will need a letter from each university – on their headed paper – confirming the milkround, dates it was conducted and method used, for example, presentation and/or interview method.

If the recruitment was done using a recruitment agency, we will need a copy of the contract between the recruitment agency and sponsoring organisation, copy of the invoice, copies of any adverts placed - the copy should clearly show the title of the publication and the date(s) and a copy of the advert as it appeared.

If no resident labour market test was undertaken because the migrant is switching from:

- the Tier 1: Post-study category; or
- the International Graduates Scheme; or
- the Fresh Talent Working in Scotland Scheme; or
- the Science and Engineering Graduates Scheme,

the sponsor will be asked to provide evidence that the migrant had been working at the company in the same job for at least the last 6 months prior to application. For example, payslips or company accounts that clearly show a wage being paid to that specific migrant. Accounts that show only 'wages for personnel' but not specifically that migrant by name or other unique identifier are not considered acceptable. Payslips must be formal payslips or on company-headed paper. If the payslips are not on headed company paper, or the company only uses online payslips, the company must provide a signature and stamp on a print-out to authenticate the evidence.

If the job was not advertised in JobCente Plus because of Stock Exchange disclosure requirements, the sponsor must keep a copy of the formal announcement (for example a screen shot of the published announcement) made via a regulated information service approved by the Financial Services Authority (FSA) and named on their website at <http://www.fsa.gov.uk/pages/Doing/UKLA/Contact/index.shtml>

Appendix D - Keeping documents

Document	Duration that document must be kept
Resident labour market test (Tier 2 and Tier 5) - continued	
<p>For sponsors recruiting under Tier 2 (Sport), they will need to keep a copy of the governing body endorsement as evidence of the resident labour market test, and any other document specified in the relevant code of practice.</p> <p>Where a sponsor is recruiting a sponsored researcher under Tier 2 (General), we will need evidence of the competitive process that took place. For example, an advertisement for the grant, a programme for the selection process, the judging criteria or any other evidence.</p> <p>All sponsors must retain the following documents from the recruitment process, this must include:</p> <ul style="list-style-type: none"> • All applications short-listed for final interview, in the medium they were received. For example, emails, CV's, application form etc. This should include the applicants name, address, etc; and • The names and number of applicants short-listed for final interview; and • Notes from the final interviews conducted and for each EEA national who was rejected, reasons why they have not been employed. 	<p>All resident labour market test documents relating to milkrounds must be kept until:</p> <ul style="list-style-type: none"> • one year after the migrant has started work; or • the migrant ceases to be employed by the sponsor (if employed for less than one year); or • until a visiting officer has examined and approved them: <p>Whichever is shorter.</p>
Skill Level	
Copies of any qualifications the migrant holds to confirm skill level. For example, degree certificate, HND etc.	
Copies of any registration and/or professional accreditation documents and/or confirmation letter the migrant is required to have in order to do their job. For example where the migrant is a doctor, proof of registration with the General Medical Council.	
Where appropriate a copy of the governing body endorsement specific to the migrant.	
Any other document specified in the relevant code of practice.	

Appendix D - Keeping documents

Document	Duration that document must be kept
Appropriate Rate	
<p>Copies of the migrant's payslips, clearly showing the name, NI number, tax code, any allowances paid and deductions made. Payslips must be formal payslips or on company-headed paper. If the payslips are not on headed company paper, or the sponsor only uses online payslips, the sponsor must provide a signature and stamp on a print-out to authenticate the evidence. Where the sponsor wishes to rely on other account records, we must be able to clearly identify the specific migrants wage in order to assess whether the migrants actual wage is the same as that originally stated on the certificate of sponsorship for that migrant.</p> <p>A copy of any Contract of/for Employment/Services between the sponsor and the migrant which clearly;</p> <ul style="list-style-type: none"> • the names and signatures of all parties involved (normally, this will only be the sponsor and the migrant); and • the start and end dates of the contract; and • details of the job, or piece of work that the migrant has been contracted to do; and • an indication of how much the migrant will be paid. <p>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, or contract of/for employment/services, or on the migrant's payslips. For example, if the migrant receives help with accommodation by way of free housing being provided, the sponsor must have evidence from the owner or letting agent for the property concerned which clearly states the value of the rent payable on the property, by the sponsor. Or if the property is owned by the sponsor organisation, there must be an independent assessment of the monthly rent achievable from the property concerned. This is not an exhaustive list and we expect sponsors who make payments of allowances to be able to accurately document the value of them so that we can be satisfied that they are being paid in accordance with the rules set out in this guidance.</p>	
<p>A clearly marked copy of wage information based on SOC code for the migrant's job, used on the certificate of sponsorship from the appropriate source.</p>	
<p>Any other document specified in the relevant code of practice.</p>	

Appendix D - Keeping documents

For each migrant enrolled under Tier 4 (General) Student or Tier 4 (Child) Student category, the sponsor must keep copies of the following documents

Copy of all sponsored migrant's 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 United Kingdom. This must show the migrants entitlement to study with a licensed sponsor in the United Kingdom.

Copy of the migrants United Kingdom Biometric Card.

A history of the migrant's contact details (United Kingdom residential address, telephone number, mobile telephone number). This must be updated regularly.

Record of the migrant's absence/attendance, this may be kept either electronically or manually.

For migrants in the Tier 4 (Child) Student category who are going to be cared for in the United Kingdom in a private foster care arrangement during their stay, the sponsor must, as soon as it becomes 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. The sponsor must keep a record of the notification to the local authority.

Copies (or originals where possible) of any evidence assessed by the sponsor as part of the process of making an offer to the migrant. For example copies of references, examination certificates etc