



UK Visas
& Immigration

Tier 4 of the Points Based System Guidance for Sponsors

version 04/2014

Document 3: Sponsors Duties and Compliance

This guidance covers:

1. Sponsor duties overview
2. What are my sponsor duties?
3. Compliance

Please also see the guidance documents 'Applying for or Renewing a Tier 4 Sponsor Licence and Highly Trusted Sponsor Status' and 'Sponsor Duties and Compliance'

This guidance is to be used for all Tier 4 applications made on or after 6th April 2014

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Glossary of terms

When we say	We mean
Care arrangements	Suitable arrangements for any children for their travel to the UK, reception at port and living arrangements while in the UK.
CAS	A Confirmation of Acceptance for Studies – a virtual document issued by a sponsor to a student to allow them to apply for a student visa under Tier 4.
CEFR	Common European Framework of Reference for Languages.
Course start date	The date of enrolment in person, or induction on the course, whichever is the earlier.
Course end date	The date by which the student is expected to have completed all academic elements of the course – taught sessions, examinations including meetings with examination boards, assessments, including oral assessments and other formal assessments, and writing and submitting dissertations or theses. In the case of PhD students, academic elements include writing and correcting theses and oral (viva) examinations, provided the sponsor is satisfied that they can continue to carry out their sponsor duties for the student.
English language course	For PBS this means a course where a student is studying English as a Foreign Language.
Foundation degree	A programme of study which leads to a qualification awarded by an English higher education institution with degree awarding powers which is at a minimum of level 5 on the revised National Qualifications Framework, or awarded on a directly equivalent basis in the devolved administrations. In Scotland, a Higher National Diploma at level 8 on the Scottish Credit and Qualifications Framework, awarded by the Scottish Qualifications Authority is equivalent to a foundation degree.
HTS Status	Highly Trusted Sponsor status.
LTR	Leave to remain.
NQF	National Qualifications Framework.
Parent(s) or legal guardian	The child's parent(s) or legal guardian, or just one parent who has the sole legal responsibility for the child.
Publicly funded Colleges	Colleges that are listed by the Association of Colleges on their website on the basis that they are Further Education Colleges, Further Education Corporations (FECs) or Sixth Form Colleges. For more specific information in relation to how this definition applies to educational establishments in England, Scotland, Wales and Northern Ireland please see the section called 'Educational oversight' in the Tier 4 'Applying for a Licence' guidance document.
Pre-sessional course	A course that prepares a student for, and directly precedes, their intended full-time course of study in the UK and enables them to acquire the ancillary skills or knowledge necessary to adjust to study in the UK. This will usually be supplementary English Language training or some instruction in the British education system. Courses which are designed to give a student fundamental training in the subject area of the main course as a stepping stone to it – e.g. a foundation degree – or courses which form an integral part of the main course of study or replace part of it – but which are administered separately – are not considered to be pre-sessional courses.
QCF	Qualifications and Credit Framework.

SCQF	The Scottish Credit and Qualifications Framework.
Settled Worker	<p>a) is a national of the UK;</p> <p>b) is a national of Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Republic of Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland who is exercising an EC Treaty Right in the UK; (Please note that although not requiring sponsorship, workers from Bulgaria, Croatia and Romania must have work authorisation in order to work lawfully, unless exempt. Employers commit an offence by employing Bulgarian, Croatian or Romanian nationals who have failed to comply with the work authorisation requirements);</p> <p>c) is a British overseas territories citizen, except those from Sovereign Base Areas in Cyprus. (Those included are Anguilla, Bermuda, British Antarctic Territory, British Virgin Islands, British Indian Ocean Islands, Cayman Islands, Falkland Islands and dependencies, Gibraltar, Montserrat, Pitcairn Islands, St. Helena and Dependencies and Turks and Caicos Islands);</p> <p>d) is a Commonwealth citizens who was allowed to enter or to remain in the UK on the basis that a grandparent was born here;</p> <p>e) has settled status in the UK within the meaning of the Immigration Act 1971, as amended by the Immigration and Asylum Act 1999, and the Nationality, Immigration and Asylum Act 2002.</p>
SMS	The Sponsor Management System.
Tier 4 register of sponsors	The register that all Tier 4 sponsors appear on once we have given them a licence to bring students to the UK.

UK Higher Education Institution (HEI)	<p>A recognised body, or a body that receives public funding as a higher education institution from the Department for Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales, or the Scottish Funding Council. We also accept:</p> <ul style="list-style-type: none"> • Richmond, the American International University in London, as an HEI because it is recognised in statute in the Education (Recognised Awards) (Richmond The American International University in London) Order 2006. • The UK Foundation Programme Office as an HEI for sponsored students undertaking a recognised Foundation Programme for post graduate doctors. • The Yorkshire and Humber Strategic Health Authority, and the South London Local Education and Training Board (also known as South London Health Education England) as an HEI for sponsored students undertaking a recognised Foundation Programme for postgraduate dentists. <p>You will find a list of UK HEI's on the following websites:</p> <ul style="list-style-type: none"> • England: www.hefce.ac.uk/unicoll/he/ • Scotland: www.sfc.ac.uk/about_the_council/council_funded_institutions/WhoWeFundColleges.aspx • Wales: www.hefcw.ac.uk/about_he_in_wales/higher_education_institutions/he_institutions.aspx • Northern Ireland: www.delni.gov.uk/index/further-and-higher-education/higher-education/role-structure-he-division.htm <p>Recognised bodies: www.bis.gov.uk/policies/higher-education/recognised-uk-degrees/recognised-bodies</p>
'You' or 'Your'	the sponsor organisation or prospective sponsor organisation, including any owner, director, authorising officer, key contact, level 1 user and anyone involved in your day-to-day running
We/us/our	Home Office.
Working Days	Any day other than Saturday or Sunday, a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in the part of the United Kingdom to which the notice is sent, Christmas Day or Good Friday.

Changes to the Sponsor Duties and Compliance guidance

Current Paragraph Number	Previous Paragraph Number	What has changed?
add new para no.	n/a	We have added new text to set out how you can report illegal immigrants and other immigration offences.
add new para no.	601 s/t and u	In the table- row r we have clarified the new definitions of relevant offences which were previously set in the paragraph 601 (s/t and u).
add new para no.	Throughout this document	Throughout this document we have changed references to 7, 14 or 28 calendar days with 5, 10 or 20 working days (a definition of a working day can be found in the glossary).
add new para no.	Throughout this document	<p>We are no longer defining the words you/your and a relevant person separately. When we say you/your we mean:</p> <p>The sponsor organisation or prospective sponsor organisation, including any owner, director, authorising officer, key contact, level 1 user and anyone involved in your day-to-day running</p>
add new para no.	Glossary	We have removed definitions of terms from the main body of the guidance and placed into a glossary at the front of the document.

Section 1: Sponsor Duties Overview

This section gives information on:

- Why do I have sponsor duties?
- When do my sponsor duties start and finish?

Why do I have sponsor duties?

1. As a licensed sponsor you will benefit directly from migration and we expect you to play your part in ensuring that the system is not abused. This means that you must fulfil certain duties. Some duties apply to all sponsors under the points-based system, others are specific to sponsors who are licensed under certain tiers or categories. You must meet these duties to ensure that immigration controls remain effective. These duties aim to:

- a) prevent you abusing our process for assessing you;
- b) quickly find and address any patterns of student behaviour that may cause concern;
- c) address weak processes which can cause those patterns; and
- d) monitor your and your students' compliance with immigration rules.

2. You must be able to show that you are able to meet these sponsor duties so that you can gain and keep your licence and achieve or maintain HTS status.

When do my sponsor duties start and finish

3. Your responsibilities as a sponsor start on the date we issue your licence and end:

- a) if you surrender your licence; or
- b) if we revoke your licence.

4. Your responsibilities for each student you sponsor start when you assign a [CAS](#) to them.

5. Your responsibilities for each student you sponsor end when:

- a) you tell us they have prematurely ended their course of study and give us details of their plans to leave the UK or apply for new permission to stay in the UK;
- b) they leave the UK or their permission to stay lapses; or
- c) we give them permission to stay in the UK with a different sponsor or in another immigration category which means you do not need to sponsor them under Tier 4 any more.

6. This document reflects current policy, but can change at any time. We will let you know of any change through the sponsor management system (SMS) message board. For more information on the SMS, please see the section titled What is the sponsor management system in the Assigning a CAS and Sponsoring Students guidance document.

Section 2: What are my sponsor duties?

This section gives information on:

- Recording keeping duties
- Reporting changes that affect your sponsor licence
- Reporting changes to student circumstances

7. You have a duty to act honestly in any dealings you have with us. For example, you must not make false statements and you must ensure you disclose all essential information when you apply for a sponsor licence or assign a CAS.

8. You must do all you can to ensure students you sponsor arrive to take up their course and see that course through to completion. We will take action against you if we have evidence that an unacceptable number of students do not arrive or do not complete their course.

9. You must keep proper records of the students you sponsor, including contact details and a copy of their biometric residence permit (BRP), and give them to us when we ask for them.

10. You must meet the requirements for your inspection or audit and the types of courses you may offer. For example if you sponsor students under Tier 4 (Child) you must have been inspected or audited on the basis that you teach children under the age of 18.

11. To keep your licence, you must:

- a) continue to be audited and/or inspected at a satisfactory and existing level; and
- b) offer courses to international students which comply with our conditions; and
- c) notify the local authority of any private foster [care arrangements](#) for Tier 4 (Child) students, where appropriate

12. You have a duty to inform us if:

- a) students do not arrive for their course either following a refusal of entry clearance or leave to remain, or where leave is granted but the student fails to enrol;
- b) students are absent without permission for a significant period which means you will no longer sponsor them; or
- c) they leave their course earlier than expected; or
- d) you ask them to leave the course.

13. In addition to your duties as a Tier 4 sponsor, you are expected to contribute to supporting immigration control. In particular, you must take reasonable steps to ensure that every student at your institution has permission to be in the UK. Failure to do this may lead to the revocation of your licence.

Recording keeping duties

14. You must keep all of the documents listed in [Appendix D](#). You can store them as paper copies or electronically. We do not tell you how to store the documents, but you must be able to make them available to us when we ask. If you fail to keep any documents specified in Appendix D and/or fail to provide any documents when we request them, we may take action against you. We do not require you to keep original passports and these should be returned to the student once the necessary pages have been copied. It is illegal for passport to be retained for any purpose.

15. If you are a [higher education institution](#) endorsing a migrant under the Tier 1 (Graduate Entrepreneur) route, you must keep evidence of the selection process that resulted in that endorsement.

16. If you sponsor a child aged under the age of 18, you must keep a copy of the letter from their [parents or legal guardian](#), or just one parent if that parent has sole legal responsibility for the child. This should consent to the arrangements for the child's application, travel, reception and care arrangements in the UK. Children aged 16 and 17 have the legal right to live independently in the UK, and may make their own arrangements for accommodation, but they need the consent of their parent(s)/legal guardian to do this and to travel to the UK (if applying from overseas).

What documents must I keep now that I have a sponsor licence?

17. To comply with your duties, you must keep certain documents for each sponsored migrant. Appendix D lists these documents and says how long you must keep them. The documents can be kept in paper or electronic form. If kept electronically, you must make sure that all the relevant parts of the document are visible as described in Appendix D.

18. There is no prescribed method for storing the documents, but they must be available to us on request. If you fail to keep any documents specified in Appendix D and/or fail to give us any documents when we ask for them, we will take action against you.

19. Any documents that we ask for which are not in English or Welsh must be accompanied by a certified translation. The translator's credentials should be given, along with their official declaration that the translation is accurate.

20. Some of the documents you must keep as part of your sponsorship duties may also need to be kept for other purposes. You must meet any legal requirements for record-keeping set by us or another government department.

Reporting changes that affect your sponsor licence

This sub section gives information on:

- a) Changing your sponsor details
 - Change of Circumstances form
- b) Mergers, takeovers and similar changes
 - Complete takeovers and mergers
 - Partial takeovers and mergers
 - If you are the existing sponsor and no longer need your licence
 - If you are the new organisation and the existing sponsor does not need its licence
 - If you are the existing sponsor and still need your licence
 - If you are the new organisation and the existing sponsor still needs its licence
- c) What happens if I become insolvent
 - Company Voluntary Arrangement (CVA) or Debt Arrangement Scheme (DAS)
 - Liquidation or Sequestration
 - Sole Traders
- d) Surrendering your licence

Changing your sponsor details

21. You must tell us of any changes which may impact on your sponsor licence. We may ask for more details and documents to support the change you are requesting.

22. Normally your level 1 user must use your SMS account to notify us of the changes, however in some circumstances you may be unable to use the SMS to report or request a change and you must use a change of circumstances form. Please see the section titled [Change of circumstances form](#) for more information.

23. There are also functions within the SMS to amend minor details for existing users such as e-mail addresses, telephone and fax numbers and immigration status.

24. The table below titled Changes to sponsor circumstances sets out the changes you must tell us about.

Changes to sponsor circumstances table

	If	Then
a.	<p>You replace your authorising officer and/or key contact; or</p> <p>You need to amend the details of your existing authorising officer and/or key contact; or</p> <p>You replace your existing level 1 user; or</p> <p>You want to add another level 1 user; or</p> <p>You need to amend the details of your existing level 1 user.</p>	<p>You must:</p> <ul style="list-style-type: none"> • Home Office Use the SMS to notify us • Home Office Give all the details of the new personnel <p>We will conduct checks on all people nominated to these roles and will not accept a nominated person who does not meet our requirements.</p>
b.	<p>Change your address and/or change your name.</p>	<p>You must:</p> <ul style="list-style-type: none"> • Use the SMS to notify us • Give us the details • Tell us why you are changing address and/or name <p>We will need to understand exactly why you are changing your name because in some circumstances, you may have to apply for a new licence. For example, if the only reason you are changing your name is because you are incorporating yourself for the first time, having not been incorporated in the past, and nothing else at all is changing other than your name, we can change the name on your licence. However, if there are also changes to your structure, for example if you are involved in a merger or takeover, you must read the section of this guidance that covers mergers and takeovers and it is possible that you may have to apply for a new sponsor licence.</p>
c.	<p>You want to add branches/sites/partner institutions to your licence.</p>	<p>You must:</p> <ul style="list-style-type: none"> • Use the SMS to notify us • Give us the details of all the new branches/sites/partner institutions • Notify your approved educational oversight body that you have added a branch/site/partner institution to your licence. <p>You must also be able to demonstrate common ownership or control for all the branches you add as defined in the section titled Sponsor Licence Structure – Branches in the Applying for or renewing a Tier 4 Sponsor Licence and Highly Trusted Sponsor Status.</p>

d.	If you are a private or higher education institution and you appoint a new principal or change owners.	<p>You must:</p> <ul style="list-style-type: none"> • Use the SMS to give us their names within 20 working days of the change. <p>If you do not, we will revoke your licence.</p>
e.	If you are convicted of a relevant offence.	<p>You must:</p> <ul style="list-style-type: none"> • Use the SMS to give us details of the conviction as soon as you know about the conviction <p>For more information on the action we will take please see the section titled Compliance.</p>
f.	There is a change in status of any registration by a governing body that you are required to hold including changes to your educational oversight.	<p>You must:</p> <ul style="list-style-type: none"> • Use the SMS to inform us and give full details of the change.
g.	<p>You have sold all or part of your business; or</p> <p>You are involved in a merger or takeover.</p>	<p>You must:</p> <ul style="list-style-type: none"> • Use the SMS to inform us within 20 working days of the change. <p>If you do not, we will take action against you which could also lead to your students having their leave curtailed.</p> <p>Please also see the section below titled Mergers, takeovers and similar changes for more information.</p>

h.	<p>You become insolvent and</p> <ul style="list-style-type: none"> • go into administration (including special administration) or administrative receivership (receivership in Scotland); • enter into a Company Voluntary Arrangement or Debt Arrangement Scheme; • go into liquidation or sequestration is awarded; or • become bankrupt. 	<p>You must:</p> <ul style="list-style-type: none"> • Use the SMS to notify us within 20 working days of: <ol style="list-style-type: none"> 1. going into administration or receivership the Company Voluntary Arrangement (CVA) or Debt Arrangement Scheme (DAS) being agreed 2. ceasing trading 3. entering an Individual Voluntary Arrangement (IVA) or Debt Arrangement Scheme 4. being issued a bankruptcy order • tell the administrator/receiver that you are a licensed sponsor • tell us who has been appointed as the administrator within 20 working days of them being appointed. • nominate the insolvency professional appointed as administrator or receiver as your authorising officer • tell us if the CVA, IVA or DAS has resulted in a change of ownership <p>Please see the section below titled What happens if I become insolvent? for more information on what other action you need to take in these circumstances and what impact the changes will have on you licence.</p>
i.	<p>You want to appoint a representative; or You want to remove a representative; or You want to change your representative.</p>	<p>You must:</p> <ul style="list-style-type: none"> • Use the SMS to give the details of the representative you want to appoint/remove/add.
j.	<p>You want to surrender the whole or part of your licence.</p>	<p>You must:</p> <ul style="list-style-type: none"> • Use the SMS to notify us as soon as possible <p>Please see the section titled Surrendering your licence for more information.</p>

25. When you submit the changes we will tell you what documents you must send us as evidence of the changes. For some changes, for example replacing your authorising officer or surrendering your licence, you will also have to sign a short declaration.

26. For some changes in circumstances you will have to complete more than one action on the SMS. For example, if you notify us of a change to your organisation address, you may also need to notify us of a change to the working address for your key personnel. You must request each change separately.

Change of circumstances form

27. There are some circumstances where you will not be able to use the SMS to report or request a change and where you must complete a change of circumstances form which is available on our pages on the Gov.uk website using the following link: <https://www.gov.uk/government/publications/sponsor-change-of-circumstances-form>

28. You must only use this form when you need to:

- a) replace the level 1 user when you have no other SMS user to do this on the SMS (for example when the previous level 1 user was the only SMS user and has left your organisation);
- b) replace the key contact or authorising officer when you have no other SMS user to do this on the SMS (for example when the previous key contact or authorising officer was the only SMS user and has left your organisation); or
- c) appoint a representative when you have no other SMS user to do this on the SMS (for example when the previous level 1 user was the only SMS user and has left your organisation).

29. We may ask for (and check) documents to support any change you request through the SMS or the change of circumstances form. The documents may be ones other than those listed in Appendix A. When you request a change using SMS, the system will produce a submission sheet if we need a signed declaration and/or any evidence to validate your request. If you send the request using the change of circumstances form, we will contact you to tell you what, if any evidence we need.

Mergers, takeovers and similar changes

30. This section explains what you must do if you are involved in a merger, takeover, de-merger or other similar change, for example if you sell all or part of your business, or the controlling number of shares in your business. It also explains what you must do if you are taken over in full or in part by another organisation and some of your students transfer to that organisation and, as an existing sponsor you carry out a de-merger and some students transfer to a new organisation.

31. Your sponsor licence is not transferrable and what happens to your sponsor licence will depend on whether you:

- a) sell all or part of, or the controlling number of shares in your business or organisation;
- b) are being taken over completely or in part by another organisation; or
- c) are splitting out to form new organisations.

32. You must report a merger, takeover, de-merger or change of ownership within 20 working days by notifying us using the SMS. If you fail to do so, we will take action against you. Any action we take could also lead to the students involved having their leave curtailed.

33. If there is a change in ownership of your organisation or business, for example if it is sold as a going concern or a share sale results in the majority number of shares being transferred to a new owner, we will revoke your sponsor licence. The new owners of the business must then apply for a new sponsor licence (unless they already have one) if they wish to continue teaching any migrants that you were sponsoring before the change of ownership.

34. Your level 1 user must report it. If they are no longer available because you have been completely taken over or merged into another organisation, we will accept the report from the authorising officer at the new sponsor organisation. Once you have reported the change, we will ask for (and check) documents to support the change you are reporting, and they may not always be documents we have listed in this guidance. We may contact your authorising officer for confirmation of the takeover or merger at a later date if we feel it is necessary to do so.

35. A student involved in a merger, de-merger or takeover does not need to apply for new permission to stay and the new sponsor does not have to assign a new CAS.

Complete takeovers and mergers

36. If you are being completely taken over or merged into another organisation and your sponsored students are transferring to a new organisation you must:

- a) report the change, to us within 20 working days, using the SMS. Include details of any students who will transfer to the new organisation.
- b) report any students who will not transfer to the new sponsor. We will cancel their permission to stay in the UK. If the student received their permission to stay on the basis of a CAS, make the report using the SMS and if it was on the basis of a visa letter email MigrantReporting@UKBA.gsi.gov.uk.
- c) confirm if you need to surrender your sponsor licence by using the SMS or, if you do not have any active level 1 users, by using the change of circumstances form.

37. If you have completely taken over, or merged with, another sponsor organisation and their sponsored students are transferring to you, you must:

- a) Make a valid application for a sponsor licence, if you do not already have one, within 20 working days of the change. If your application is unsuccessful or you fail to apply, we will cancel the permission to stay of all students who were due to transfer to you; or
- b) if you already have a sponsor licence, report the change, including details of any students for whom you have accepted full sponsorship responsibility.

38. You can use the SMS to apply for an increase in your current allocation of CAS if you already have a sponsor licence and expect to sponsor more students in the future as a result of the takeover or merger.

39. If you ask us, we will give you access to the original sponsor's licence on the SMS, so that you can report activity for the sponsored students who have moved.

Partial takeovers and mergers

40. This section explains what you must do if an organisation takes over part of an existing sponsor organisation, or if part of an existing sponsor organisation splits away to form a new organisation, and at least some sponsored students will transfer to the new organisation.

If you are the existing sponsor and no longer need your sponsor licence

41. If you are the existing sponsor, and the change means that you will no longer have any sponsored students, you must report the change to us (including details of all students who will transfer to the new organisation) within 20 working days of it taking place, by emailing MigrantReporting@ukba.gsi.gov.uk.

42. You may surrender your licence if you wish. You can do this using the SMS or, if you have no active level 1 users, by using the sponsor change of circumstances form, but only if you no longer have any sponsored students of your own. If you surrender your licence but then need to sponsor students again in the future, you will need to apply for a new sponsor licence.

43. If you are left with no sponsored students, but are not sure if you will need to sponsor any new students in the future, you may choose to keep your licence. If you do keep your licence, we will reduce your current allocation of CAS to zero.

If you are the new organisation and the existing sponsor does not need its Sponsor licence

44. You must make a valid application for a sponsor licence, if you do not already have one, within 20 working days of the change. If your application is unsuccessful, we will cancel the permission to stay for all students who were due to transfer to you.

45. You can use the SMS to apply for an increase in your current allocation of CAS, if you already have a sponsor licence and the change means that you may need to recruit more students in the future.

46. You must report the change, including details of any students for whom you have accepted full sponsorship responsibility.

47. As the new sponsor you will not be able to report in the usual way on the students who have transferred from the original sponsor organisation because you will not have an SMS record for them. However, you must email MigrantReporting@ukba.gsi.gov.uk giving the following details:

- a) The original sponsor organisation's name;
- b) The original sponsor organisation's licence number (if known);
- c) The student's details; and
- d) Details of what you want to report (for example, if the student has missed 10 expected consecutive contacts and you have withdrawn sponsorship as a result).

If you are the existing sponsor and still need your licence

48. You must:

- a) report the change (including details of any students who will transfer to the new organisation) to us within 20 working days of it taking place by using the SMS.
- b) tell us if you need to amend your current allocation of CAS. For example, if you need fewer than was agreed before the change.

c) continue to report as usual on any sponsored students who are still enrolled, although you will no longer have any responsibility for reporting on students who have moved to the new organisation.

49. If you do not know whether or not you will sponsor any more students in the future, we will reduce your current allocation of CAS to zero.

If you are the new organisation and the existing sponsor still needs its licence

50. You must make a valid application for a sponsor licence, if you do not already have one, within 20 working days of the change. If your application is unsuccessful, we will cancel the permission to stay for all students who were due to transfer to you.

51. You can use the SMS to apply for an increase in your current allocation of CAS, if you already have a sponsor licence and the change means that you may need to sponsor more students in the future.

52. You must report the change, including details of any students for whom you have accepted full sponsorship responsibility.

53. As the new sponsor you will not be able to report in the usual way on the students that have transferred from the original sponsor organisation, and whose permission to stay has been granted on the basis of a CAS, because you will not have an SMS record for them.

However, you must email MigrantReporting@ukba.gsi.gov.uk giving the following:

- a) the original sponsor organisation's name;
- b) the original sponsor organisation's licence number (if known);
- c) the student's details; and
- d) details of what you want to report (for example, if the student has missed 10 consecutive expected contacts).

What happens if I become insolvent?

54. You must notify us as described in the section above titled [Changing your sponsor details](#).

55. The insolvency professional appointed as the administrator or receiver must be appointed as your authorising officer (AO). This can be done in one of two ways:

- a) If the administrator or receiver is content for your named level 1 user to remain in that role, then the level 1 user can use the request change of circumstances function within your SMS account to replace your existing AO.
- b) If the administrator or receiver does not want your existing level 1 user to continue to access your SMS account, they must complete a change of circumstances form to appoint themselves as your new level 1 user. They must write 'In Administration' across the top of the Change of Circumstances form so we can ensure that it is dealt with as quickly as possible. Once we have approved that change and they have access to SMS, they can then appoint themselves as the new authorising officer using your SMS account.

56. The administrator or receiver must also decide whether they are content for your existing SMS users to continue accessing your SMS account or if they want to replace them.

57. There are different ways in which you can come out of administration (including special administration), or administrative receivership (receivership in Scotland) and some of these will have an impact on your continuing permission to hold a sponsor licence. The deciding factor will be whether or not you continue to own your business.

Company Voluntary Arrangement (CVA) or Debt Arrangement Scheme (DAS)

58. If you enter into a CVA, you must tell us within 20 working days of this being agreed and also tell us if it has resulted in a change of ownership. Where there is a change of ownership, we will treat this in the same way as if you had simply sold your business and we will revoke your sponsor licence. If you are sponsoring anyone at the point where ownership changes and the new owner wishes to continue sponsoring them, the new owner must apply for a sponsor licence within 20 working days of the day they took ownership.

59. If the CVA amounts to an agreement with your creditors, but no change in ownership, then you can continue to hold your sponsor licence. You can also remove the administrator from the position of AO and appoint either your original AO or a new one. You must do this using your SMS account.

60. If you enter into a Debt Payment Programme under DAS and there is no change in ownership, you can continue to hold your sponsor licence.

Liquidation or Sequestration

61. If you go into voluntary or compulsory liquidation you must tell us within 20 working days of the date you cease trading. If sequestration has been awarded or if you have signed a Trust Deed and either of these means you cease trading, you must tell us within 20 working days of the date you cease to trade. If you or any appointed insolvency professional cannot access your SMS account to report this, either you or your appointed insolvency professional must email us at sponsorsuspensions@homeoffice.gsi.gov.uk. We will then revoke your sponsor licence.

Sole Traders

62. If you are a sole trader and you enter into an Individual Voluntary Arrangement (IVA) or a Debt Arrangement Scheme (DAS), in connection with your business, you must tell us using your SMS account within 20 working days. If your IVA or DAS amounts to an agreement with your creditors where you remain as the sole owner of your business and you can continue to trade, you must also tell us about this. If this happens, you can keep your sponsor licence.

63. If your IVA or DAS results in your business being sold, you must tell us about this within 20 working days. We will then revoke your sponsor licence. If you are sponsoring anyone at the point where your business is sold and the new owner wishes to continue sponsoring them, the new owner must apply for a sponsor licence within 20 working days of the day they took ownership.

64. If you are a sole trader and a court issues a bankruptcy order against you, or sequestration has been awarded, you must tell us within 20 working days of this happening. You will not be able to do this using your SMS account because you will not be permitted to access it. Instead you must email us at sponsorsuspensions@homeoffice.gsi.gov.uk to tell us about this and you must

tell us the date you ceased trading. We will then revoke your sponsor licence.

Surrendering your licence

65. If you no longer wish to sponsor students, and have no sponsored students currently studying with you, you may choose to surrender your licence. You should do this using SMS.

66. We will remove you from the register of licensed sponsors, and you may apply for a new licence at any time.

67. You may choose to surrender your licence in all the tiers, categories and sub-categories for which you are licensed at the same time or you may choose to surrender part of your licence in certain tiers, categories or sub-categories. You must clearly indicate on the change of circumstances form which part you are surrendering.

68. You must provide evidence that you are no longer responsible for any students you may have previously sponsored in that tier, category or sub-category. If you still have responsibility for students, we will revoke your licence, cancel the students' permission to stay and may remove them from the UK.

69. When you submit the change we will tell you what documents you must send us to support the changes. When you submit the change you will also have to sign a short declaration.

Reporting changes to student circumstances

This sub section gives information on:

- What you must report
- Additional reporting for doctorate extension scheme students
- Information you don't have to report
- Student reporting case studies

What you must report

70. You must report on all Tier 4 students that you sponsor even if they are:

- a) On a course (including a [pre-sessional course](#)) at a partner institution or a branch named on their CAS; or
- b) Doing a work placement that is part of their course.

71. You must retain information in your own records about any appeal which a student makes against refusal of leave decisions. If a student's appeal is successful and leave is granted, you must tell us if their start date is delayed and provide us with a new enrolment date. To do this, use the free text field on the sponsor management system. Please refer to the link below which will direct you to our pages on the Gov.uk website for more information on the Sponsor Management System, CAS and reporting student activity. <https://www.gov.uk/government/publications/confirmation-of-acceptance-for-studies-cas-sms-user-manual>

72. You must give us details of any third party, in the UK or another country that helped you to recruit international students. To do this, email SCOC@UKBA.gsi.gov.uk

73. All reports should be sent using the SMS unless we state otherwise in this guidance.

74. You must tell us if anything you have reported through the SMS is incorrect and why it is incorrect.

75. The table below titled Changes to student circumstances sets out all of the changes you must report to us and unless we say otherwise in the relevant section of the table, all reports should include the last recorded residential address and contact telephone number that you have for the migrant. Also, although we do not require that you keep a record of migrants' personal email addresses, if you have one, you should also include this in your report. (Condition 5(c) of Schedule 2 and 7(c) of Schedule 3 of the Data Protection Act allow you to disclose this information to us.)

Changes to student circumstances table

	If	Then
a.	A student withdraws from their course before they travel to the UK.	<p>You must:</p> <ul style="list-style-type: none"> • Report it to us within 10 working days of you knowing about it • Tell us if the student is joining another institution and the name and address of that institution if you know it.
b.	A students' start date is delayed before they enter the UK but after they have been granted entry clearance.	<p>You must:</p> <ul style="list-style-type: none"> • Agree with the student whether they can still complete the course within the dates given on their visa. If they can, you need not report anything. <p>If they can't, you must:</p> <ul style="list-style-type: none"> • Assign a new CAS • Advise the student to apply to vary their leave to include a later finish date.
c.	A student does not enrol within the enrolment period.	<p>You must:</p> <ul style="list-style-type: none"> • Report it to us within 10 working days of the enrolment period ending including the reasons for non enrolment, for example; <ul style="list-style-type: none"> a) they missed their flight; b) they decided not to come to the UK; c) they delayed their enrolment; d) they are doing a course with a different sponsor; or e) we have refused them permission to come to, or stay in, the UK.

<p>d.</p>	<p>A student misses 10 consecutive expected contact points and you are an A rated sponsor.</p> <p>Examples of expected contacts include:</p> <ul style="list-style-type: none"> • attending formal academic or pastoral care activities including: <ul style="list-style-type: none"> ▪ a lesson, lecture, tutorial or seminar; ▪ a test, examination or assessment board; ▪ a meeting with a supervisor or personal tutor; ▪ a research-method or research-panel meeting, writing-up seminars or doctoral workshops; ▪ an oral examination (viva); or ▪ an appointment with a welfare adviser or international student adviser; • submitting; <ul style="list-style-type: none"> ▪ assessed or unassessed coursework; or ▪ an interim dissertation, coursework or report; and • registration (for enrolment or matriculation). 	<p>You must:</p> <ul style="list-style-type: none"> • Tell us, within 10 working days of the last expected contact point, that you intend to withdraw sponsorship of that student • Provide the name and address of any other sponsor the student has moved to, if you know it.
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<p>e.</p>	<p>A student misses 10 consecutive expected contact points and you are an HTS sponsor.</p> <p>Examples of expected contacts include:</p> <ul style="list-style-type: none"> • attending formal academic or pastoral care activities including: <ul style="list-style-type: none"> ▪ a lesson, lecture, tutorial or seminar; ▪ a test, examination or assessment board; ▪ a meeting with a supervisor or personal tutor; ▪ a research-method or research-panel meeting, writing-up seminars or doctoral workshops; ▪ an oral examination (viva); or ▪ an appointment with a welfare adviser or international student adviser; • submitting; <ul style="list-style-type: none"> ▪ assessed or unassessed coursework; or ▪ an interim dissertation, coursework or report; and • registration (for enrolment or matriculation). 	<p>You can either:</p> <ul style="list-style-type: none"> • report a 10th missed contact whenever it occurs during the year; or • set two checkpoints during any rolling 12-month period. You must report any students who have missed 10 consecutive expected contacts, without you reasonably giving them permission leading up to that checkpoint, and you are withdrawing sponsorship of the student.
<p>f.</p>	<p>A student defers their studies after they have arrived in the UK and is no longer actively studying.</p>	<p>The students permission to stay is no longer valid and you must:</p> <ul style="list-style-type: none"> • report that the student has deferred within 10 working days of knowing about it • Advise them to leave the UK <p>Once the student is ready to resume their studies then you must assign a new CAS and the student must reapply for a new visa.</p>

g.	You are withdrawing a student from their course.	<p>You must:</p> <ul style="list-style-type: none"> • Tell us within 10 working days of you knowing about the issue • Tell us why, for example; <p>a) The student has not met your requirements</p> <p>b) The awarding body stops running the course or stops trading.</p>
h.	<p>You stop sponsoring a student because they:</p> <ul style="list-style-type: none"> • move into a different immigration category with a different sponsor; • move into an immigration category that does not need a sponsor; or • complete the course sooner than expected. 	<p>You must:</p> <ul style="list-style-type: none"> • Tell us about it within 10 working days of knowing about the issue.
i.	<p>There is a significant change in a student's circumstances. These include:</p> <ul style="list-style-type: none"> • a change in where they study or do their work placement; • a change of course; or • anything that suggests that they are breaking the conditions of their permission to stay in the UK. 	<p>You must:</p> <ul style="list-style-type: none"> • Report the change to us within 10 working days of you knowing about it.
j.	<p>You are endorsing a Tier 1 (Graduate Entrepreneur) and they miss a three month expected contact point without your permission.</p>	<p>You must:</p> <ul style="list-style-type: none"> • report this by e-mail to Tier1GradEntAdmin@homeoffice.gsi.gov.uk within three months of the missed contact. • tell us whether or not you will continue to endorse them. If you will, you must explain why.

76. If you re-establish contact with a student and want to resume sponsorship you must tell us if:

- a) The student's permission to stay in the UK has expired; or
- b) We cancelled it while they were not studying with you.

In both of these circumstances, the student will have to apply for new permission to stay before they can start studying again.

Additional reporting for Doctorate Extension Scheme (DES) students

77. If a student you have sponsored has a Tier 4 (General) application approved under the DES, you continue to report as normal until they successfully complete their course.

78. A student has successfully completed their course once you have formally confirmed to them that their PhD is completed to the standard required for the award of a PhD. You must report this and the date of completion to us. You should report this using the SMS, unless the student's application has yet to be decided by us. If their application has yet to be decided you should confirm this information in the notes field on the student's CAS.

79. If the student finishes their course without successfully completing their PhD, or is awarded a lower qualification, you must report this and the date of completion to us. You should report this using the SMS, unless the student's application has yet to be decided by us. If their application has yet to be decided you should confirm this information in the notes field on the student's CAS. We will curtail the student's leave to the time they would normally receive after their course, from the end date of their course. You must continue to report on these students as normal.

80. You must maintain contact with them. At a minimum, there must be at least two contact points at regular intervals during the time the migrant is on the scheme. You should determine the most appropriate format for these contacts. Acceptable methods may include a meeting either in person or using Skype, telephone contact or contact by email. You must tell us if the student misses a scheduled contact with you without reasonable explanation and you are subsequently unable to make contact with them. You must report this using the SMS.

81. If the student tells you that they are permanently leaving the UK you must report this using the SMS.

82. If you have reason to believe that a student is breaching conditions of their leave after the completion of their course you must report this to us using the SMS.

83. If for any reason you choose to stop sponsoring a DES student after the completion of their course you must report this to us using the SMS.

84. You must withdraw sponsorship if:

- a) the student finishes their course without successfully completing their PhD, or is awarded a lower qualification;
- b) you have told us that the student has missed a scheduled contact with you without reasonable explanation, you have subsequently been unable to make contact with them, and you do not reasonably expect the migrant to make further contact with you;
- c) the student notifies you that they are permanently leaving the UK; or
- d) you are aware that the migrant is breaching conditions of their leave;

85. We will check you are complying with these requirements through our normal compliance activity. Failure to report will not directly impact on your sponsor licence, but if there is evidence that sponsors are failing to take reasonable steps to fulfil their sponsorship obligations in relation to the DES we may take this into account as part of routine activity to ensure sponsors are complying

with their obligations.

Information you do not have to report

86. You do not need to tell us if:

- a) you have given a student permission to miss a contact. One example would be if the student was ill or absent due to a pregnancy. There may well be other circumstances where you wish to give the student permission to miss a contact. It is for you to decide whether you are prepared to support an absence and if necessary provide evidence to verify this decision to our compliance officers;
- b) you have decided not to withdraw sponsorship even though a student has missed 10 consecutive contacts. This should be very rare and you must keep evidence of your decision as our compliance officers will monitor these exceptions; or
- c) we gave the student permission to come to the UK on the basis of a visa letter. This is an old paper version of what is now the CAS and we stopped accepting them on 22 February 2010.

Student reporting case studies

The following case studies illustrate how the reporting options should be used in a range of circumstances. The case studies are to provide additional support and should not be deemed to be a definitive list of circumstances you need to report.

Case Study 1 – Student has enrolled but not attended

Q. We have issued a CAS to a potential student to use in an application. The student has arrived in the UK and enrolled but hasn't attended. We have attempted to contact the student. As a result of contacting them/failing to get in touch with the student we have excluded them from their course. What do we do now?

A. You need to access your SMS account and select the activity type 'Sponsor has stopped sponsoring the student' and then 'sponsor has excluded or withdrawn the student from the course'. You can then use the notes field to add more detail such as you have tried to contact the contact the student but have been unsuccessful.

Case Study 2 – Student has not enrolled

Q. We have issued a CAS to a potential student to use in an application. The student hasn't arrived for enrolment and we don't know whether their application was successful or not. As a result of contacting them/failing to get in touch with the student we have excluded them from the course. What do we do now?

A. You need to access your SMS account and select the activity type 'sponsor has stopped sponsoring the migrant' and then 'sponsorship withdrawn; student has not enrolled'. You can then use the notes field to add more detail such as the outcome of the application is unknown.

Case Study 3 – Student withdrawn due to ill health

Q. We are sponsoring a student who has enrolled and is attending but has told us they are unwell. They are no longer able to attend and have formally withdrawn from the course. The student has returned home but no decision has been made to defer their studies. What do we do now?

A. You need to access your SMS account and select the activity type 'sponsor has stopped sponsoring the student' and then 'student has withdrawn from studies post enrolment'. The student can then make a further application for leave to enter and study at a later date.

Case Study 4 – Sponsor has withdrawn a course

Q. We have had to withdraw a course as there are not enough students to constitute a full class. Our student has moved to another course with us and the course level is the same as the original course. What do we need to do?

A. You need to access your SMS account and select 'change in student circumstances' and then 'student has switched courses but is still sponsored by you'.

Case Study 5 – Student is delayed

Q. We have a prospective student who is unexpectedly delayed. They have provided a new date of arrival which we are happy to agree and set a revised enrolment date. How do we tell you this?

A. You need to access your SMS account and select the category 'student is delayed' and then 'student enrolment is delayed; new date provided', entering the new date in the free text field.

Case Study 6 – Student has changed sponsor

Q. Our student has left and moved to a new sponsor. They did tell us of the change before they moved. What do we need to do?

A. You need to access your SMS account and select the category 'sponsor has stopped sponsoring the migrant' and then 'student has moved to another sponsor'. Where known, you should provide the new sponsor details in the notes field.

Case Study 7 – Student has ceased studying and stopped attending

Q. Our student has ceased studying and has stopped attending their studies. We can't make contact so have excluded them from their course. We have heard unconfirmed reports that they have joined another institution. What do we need to do?

A. You need to access your SMS account and select the category 'sponsor has stopped sponsoring the student' and then 'sponsor has excluded or withdrawn the student from the course'. This sub-category should be used instead of 'student has moved to another sponsor' as the student has not formally informed you that they have left. The notes field should be completed with any details that you may have about a new educational institution or sponsor.

Case Study 8 – Administrative error in student reporting

Q. We have reported that one of our students has failed to turn up to enrol on their course. However, we have now realised that an administrative error had been made and the student actually did enrol. How do we correct this?

A. You need to access your SMS account and select the option 'previous notification withdrawn', providing all relevant details in the free text field. If the report is submitted in time, curtailment of the student's leave will be cancelled.

Case Study 9 – Student returned overseas but not withdrawn

Q. Our student must return overseas for compelling reasons and will not be able to return to complete their course within their existing leave. However, they fully intend to return as soon as they are able, to resume their studies. What do we need to do?

A. You need to access your SMS account and select the option "sponsor has stopped sponsoring the student", followed by 'the student has deferred their studies' and explain the circumstances in the free text field.

87. Please ask us if you have any questions about your duties as a sponsor. You can email us at EducatorsHelpdesk@homeoffice.gsi.gov.uk or you can telephone us on 0300 1234699

Section 3: Compliance

This section gives information on:

- Home Office How we will check that you are complying with your sponsor duties
- Home Office Maintaining Educational Oversight
- Home Office What will happen if you don't comply with your sponsor duties

How will we check that you are complying with your sponsor duties?

88. We will monitor your behaviour and compliance with your duties once you are licensed. In particular, we will:

- a) set a limit on the number of CAS you can assign under Tier 4 and review your performance after you have assigned a certain number;
- b) make visits, pre-arranged or not, to check compliance; and issue civil penalties if we find evidence that you have breached the illegal working regulations.

89. For more information on compliance checks/visits please see the section titled Compliance Checks in the Applying for or renewing a Tier 4 sponsor licence guidance document.

90. A Tier 4 (General) student may be asked to undertake an interview, either in person, or on the telephone. We will refuse an application if as a result of this interview the Home Office is not satisfied that the applicant is a genuine student, or the applicant cannot speak English to the required standard or the application is shown to fall for refusal under the General Grounds for Refusal.

91. Detailed guidance available on the Home Office website provides further information about the operation of this requirement. This guidance can be found on our pages on the Gov.uk website using the following link: <https://www.gov.uk/government/collections/studying-modernised-guidance>

92. The introduction of this policy does not in any way change your ongoing responsibilities as a Tier 4 sponsor. We expect you to continue to thoroughly assess each student's intention and ability to undertake their course of study with you before you assign a CAS to them.

93. The points based system is a sponsorship based system and this testing is intended to complement your own assessment as a Tier 4 sponsor; it is not intended to replace it.

94. We will, as we do now, take action against you if we find that you are failing to fulfil any of your sponsorship duties as set out in this guidance.

95. When calculating your HTS refusal rate, we will include applicants that we refused because we could not be satisfied that they were genuine

Compliance checks for highly trusted sponsors

96. As well as your other duties, we may ask you to complete a spreadsheet showing the details of each student you sponsor and their attendance. We may ask you to do this or repeat this at any time to ensure that you still meet the requirements for [HTS status](#).

97. If we ask you to complete a spreadsheet you must send it to us electronically within 21 days and give us all of the information we requested.

Co-operating with us

98. To allow us to manage the sponsorship system properly, you must:

- a) allow our staff access to your site or sites and any of the branches under your control, on demand (whether visits are prearranged or unannounced);
- b) try to minimise the risk of immigration abuse by complying with any good practice guidance we produce or any sector body may produce with our agreement; and
- c) comply with requests for information from the Home Office in connection with the prevention or detection of crime, the administration of illegal working civil penalties and/or the apprehension or prosecution of immigration offenders.

Complying with the law

99. To ensure that you are complying with our immigration laws, you must only assign a CAS to a student whom you believe will:

- a) meet the requirements of the Tier 4 category under which you assign the CAS; and
- b) comply with the conditions of their permission to stay in the UK.

100. You must also hold the appropriate planning permission or local planning authority consent to operate your type or class of business at your trading address (where this is a local authority requirement).

Allegations of abuse of the sponsorship arrangements

101. If you use deception to get a licence you may be committing a criminal offence. The compliance officer will consider information about abuse of the sponsorship arrangements and investigate and, if appropriate, tell the relevant authorities.

102. All sponsorship applications are confidential. We will not pass on information sent with your application to anyone except other government departments, agencies and local authorities where it is needed. However, we will publish sponsors' ratings on our website.

103. We treat allegations of abuse of the sponsorship arrangements in confidence. Anyone with information about abuse of the sponsorship arrangements can contact us by email at EducatorsHelpdesk@homeoffice.gsi.gov.uk

104. You, or any member of the public, can report illegal immigrants and other immigration offences. Our page on the Gov.UK website at www.gov.uk/government/organisations/uk-visas-

[and-immigration#org-contacts](#) has information on how to do this.

Maintaining Educational Oversight

This sub section gives information on:

- Maintaining your educational oversight
- Material changes in circumstance
- Changes in the balance of your provision
- Legacy sponsors

105. All sponsors are required to maintain their educational oversight throughout the duration of their sponsor licence or until they have had their licence renewal application decided in accordance with this section. Any sponsor who ceases to hold educational oversight will become a legacy sponsor. Please see section titled [Legacy Sponsors](#).

106. If you are a privately funded sponsor you must undergo a four-year inspection cycle in order to maintain your educational oversight. This means you must undergo a full inspection, audit or review at least once every four years.

107. For example, if you received a full inspection audit or review in 2012, you will next be required to undergo a full inspection in 2016 and every fourth year thereafter. If there is a material change in your circumstances, you may be required to undergo a full inspection, audit or review early (see the section below titled [Material change of circumstances](#)).

108. If you do not pass the full inspection, audit or review or choose not to undergo one, you will no longer have educational oversight and will be given legacy sponsor status.

109. In addition to a full inspection, audit or review every four years, you will undergo risk based interim health checks. Health checks will be a light-touch, shortened version of a full inspection with the format devised by each of the individual educational oversight bodies. They are designed to ensure educational standards and quality are being maintained throughout the four-year cycle, without imposing the burden of a full assessment.

110. In most cases, health checks will take place annually but they may be made on a two year cycle if your educational oversight body judges that you meet the highest educational standards. Your educational oversight body will plan the timetable for health checks. If you are required to undergo an annual health check it must take place 10 to 14 months after your previous health check, inspection, audit or review. If you are required to undergo a health check every two years, it must take place 20 to 26 months after your last health check, inspection, audit or review.

111. If the health check shows you no longer meet acceptable standards you will be considered to have failed. Your CAS allocation will be set to zero and you will be unable to sponsor any new international students but you can continue to sponsor students who are already studying with you.

112. If you do not pass the health check and you want to continue as an active sponsor, you must apply for and achieve a satisfactory outcome in a full inspection, audit or review within six months.

113. Once you achieve a satisfactory outcome from a full inspection, audit or review within six months your CAS allocation will be reinstated. This will re-start the cycle and you will next be required to undergo a further full inspection four years later (unless there is a material change in circumstances).

114. If you do not pass this full inspection, audit or review, or choose not to undergo it, you will no longer have educational oversight and will be given legacy sponsor status.

115. The educational oversight bodies reserve the right to require a full inspection, audit or review or health check at any time if they consider it necessary.

Material changes in circumstance

116. You must report any material change of circumstances to your educational oversight body. What is considered a material change of circumstances is determined by your educational oversight body, and is detailed on their websites or in self-assessment forms which they will send to you prior to undertaking the health check. You are responsible for ensuring you understand what constitutes a material change in circumstances. These must be reported to the educational oversight body within 20 working days of the change taking place.

117. When you report a material change of circumstances, your educational oversight body will determine whether you should undergo additional assessment, such as an early full inspection, audit or review, or an extended health check. If you fail to report a material change in circumstances within 20 working days, your CAS allocation will be set to zero pending the outcome of any further assessment that the educational oversight body decides is necessary.

118. If the body decides you should undergo an early full inspection, audit or review and you pass, this will restart your four year inspection cycle. If you fail you will no longer have educational oversight and will be given legacy sponsor status.

Changes in the balance of your provision

119. If you are a provider that offers both further and higher education provision, a change in the balance of your provision will be regarded as a material change of circumstances, and you must report it to your educational oversight body within 20 working days.

120. If your educational oversight body advises that the change in your provision means it could be more appropriate for another body to inspect you, you must apply to that body within a further 28 days and undergo a full inspection, audit or review within 6 months.

121. If you fail to complete these actions on time, your CAS allocation will be set to zero pending the outcome of the full inspection, audit or review.

Legacy sponsors

122. There are some circumstances described in this guidance which may result in you becoming a legacy sponsor. Legacy sponsors are those who:

- a) did not apply to meet the requirements for educational oversight by the appropriate deadline; or

- b) did apply to meet the requirements for educational oversight by the appropriate deadline but failed; or
- c) fail to pass a full assessment with the appropriate educational oversight body at any time; or
- d) meet the mandatory requirements for HTS status but score a 'near miss' on the core measurable requirements and when they re-apply, score a second near miss.

123. If you become a legacy sponsor your CAS allocation will be set to zero. You will not be allowed to sponsor any new students but you can continue to sponsor students who are already studying with you until either they finish their course or until your sponsor licence expires, whichever happens first.

124. If any of your existing students need to extend their leave so that they can complete their course with you, you will be able to apply to us for a CAS to assign to them.

125. If you become a legacy sponsor and you have assigned a CAS which has not yet been used to support an application for leave to enter the UK, the student you have assigned it to will still be able to apply for leave. We will also process any application for leave to enter the UK, supported by a CAS that you have assigned, which has been made but not yet been decided at the point you become a legacy sponsor. In both cases, if the student's application is successful they will be allowed to travel to the UK and to study with you.

126. If you have a sponsor licence that covers multiple Tiers and not just Tier 4, the legacy status will only apply to the Tier 4 part of your licence.

127. As a legacy sponsor you must continue to comply with your sponsor duties. If you do not continue to comply with your sponsor duties, we will take action against you which may result in your licence being revoked.

128. If you are made a legacy sponsor as a result of failing to meet our educational oversight requirements, you must still apply for HTS status by the given deadlines if you wish to continue teaching students already enrolled with your institution. If you do not meet the mandatory requirements for HTS status or you do not apply on time, your licence will be suspended. See the section called 'Applying for HTS status' for full details. You will then have 20 working days from the date stated on your written notification to submit further representations. If, following the consideration of any representations received in this period, you still fail to meet the criteria to be awarded HTS, your licence will be revoked.

129. If you are a legacy sponsor, you may not apply for an educational oversight inspection, audit or review for Tier 4 purposes while you retain your current sponsor licence.

What will happen if you do not comply with your sponsor duties

This sub section gives information on:

- Penalties for illegally employing workers
- Suspension
 - a) Suspending a licence because we have concerns about you
 - b) How suspension affects your sponsored students
 - c) Process we will follow if we suspend your licence
 - d) Re-instating your licence after suspension
- Revocation
 - a) When we will revoke your licence
 - b) When we will consider revoking your licence
 - c) How revocation affects your sponsored students
 - d) If my licence is revoked can I apply again?

130. The majority of those who employ overseas workers or offer courses of study to students are honest and willing to comply with their duties. Because sponsorship transfers a significant amount of responsibility for selecting students to sponsors, we have a duty to ensure that we deal appropriately with the minority who do not comply with their duties.

131. If we consider that you have not been complying with your duties, have been dishonest in your dealings with us or you are a threat to immigration control in some other way, we will take action against you. This action may be to:

- a) revoke or suspend your licence; or
- b) reduce the number of CAS you can assign.

132. If we decide to take action against you, we will usually give you an opportunity to explain your case to us.

Penalties for illegally employing workers

133. Tier 4 sponsors are also employers so you must make sure that your employees are entitled to work for you if you wish to avoid us taking any action against you. We impose a range of penalties on those who employ people illegally.

134. We take tough action against those who illegally employ people. If we find you are employing workers illegally you will be treated in exactly the same way as any other employer.

135. You can protect yourself against possible action by checking documents to establish a person's right to work in the UK before you recruit a new member of staff. You should also carry out further document checks at least every 12 months when we have put a time limit on an employee's stay in the UK.

136. If we find you are employing workers illegally you may face any of the following penalties:
- a) We may revoke your sponsor licence.
 - b) We may issue you with the maximum civil penalty for each illegal worker.
 - c) You may be prosecuted for having in your possession or under your control without reasonable excuse an identity document that is false or improperly obtained or that belongs to someone else. You may go to prison for up to two years and receive an unlimited fine.
 - d) You may be prosecuted for knowingly employing an illegal worker. You may go to prison for up to two years and/or receive an unlimited fine.
 - e) You may be disbarred as a company director or officer as a result of being convicted of knowingly employing an illegal worker. You may be disqualified from forming or managing a company.
 - f) You may be prosecuted for facilitation or trafficking. You may go to prison for up to 14 years and/or receive an unlimited fine.
 - g) We may give you a formal written warning for employing an illegal worker, after which we will monitor you closely.
137. If we find that you have employed someone illegally we may inform other bodies such as:
- a) the Gangmasters' Licensing Authority (GLA);
 - b) the Office of the Immigration Services Commissioner (OISC); or
 - c) another government body.

138. More information on the penalties for employing illegal workers is available on our pages on the Gov.uk website using the following link: www.gov.uk/penalties-for-employing-illegal-workers.

Suspension

Suspending a licence because we have concerns about you

139. We will immediately suspend your licence while we make further enquiries if we have reason to believe that you are breaching your sponsorship duties and/or are a threat to immigration control (for example, assigning CAS to students who do not enrol, or fail to complete their course) to the extent that we may have to revoke your licence.

140. You will not be able to assign any CAS while your licence is suspended. This includes not being able to assign a CAS to an existing student whose leave is due to expire.

141. You must continue to comply with all of your sponsorship duties, and any other requirements set out in this guidance, throughout the period of suspension.

142. If your licence is suspended it will be suspended in all the tiers, categories and subcategories in which you are registered and while it is suspended we will remove your entry from the register of sponsors on our website.

143. If after an investigation, we decide not to revoke your licence we will lift the suspension and reinstate your entry on the register of sponsors on our website.

How suspension affects your sponsored students

144. Students you are sponsoring at the time of the suspension will not be affected, unless they need to apply for an extension of stay and you have not already assigned a CAS to them. Students will be affected if we decide to revoke your licence.

145. While your licence is suspended, if a student applies for a visa or extension of stay with a valid CAS that you assigned before we suspended your licence, we will not decide their application until we have resolved the reason for suspending you.

146. If you are also an endorsing body under the Tier 1 (Graduate Entrepreneur) scheme and an individual applies for leave with a valid letter of endorsement from you, we will not decide the case until the reason for the suspension has been resolved.

147. We will not consider any applications from students whose CAS shows they will take a course with a partner institution if we have suspended the licence of that partner institution.

148. If a student has already been given a visa on the basis of a CAS you assigned but they have not yet travelled to the UK, we will allow them to enter and start studying with you. We do advise students to check the status of their sponsor's licence before they travel and not to travel to the UK if their sponsor's licence has been suspended.

149. While you are preparing your response to the suspension and we are considering it, we will not tell students to whom you have assigned a CAS about the suspension if they are already in the UK.

Process we will follow if we suspend your licence

150. We start from one of two positions.

- a) If we are satisfied that we have enough evidence to suspend your licence without the need for further investigation, we will write to you giving detailed reasons for suspending your licence.
- b) If we have evidence that warrants your licence being suspended pending a full investigation, we will write to you giving our initial reasons for the suspension and informing you that an investigation will take place. It may not be possible at that point to say how long the investigation will take, but we will update you on our progress at regular intervals. During this period, you can make any written statements you think are necessary to respond, including sending in evidence. Any statement or evidence you send to us during this period will be taken into account during the investigation. When we have finished our investigation, we will write to you again, giving detailed reasons for suspending your licence.

151. When we write to you giving detailed reasons for suspending your licence, you will then have 20 working days from the date of that written notification, to respond to us in writing. We may extend this period at your request if we are satisfied that there are exceptional circumstances. You may make any written statements you think are necessary to respond, including sending in evidence. However, we will not hold an oral hearing.

152. If we identify any further reasons for the suspension of your licence during that 20-day period, we will write to you again, giving you another 20 working days to respond in writing to the additional reasons.

153. When we receive a response from you, we will consider it and may request information from any relevant compliance officer, other law enforcement agencies, government departments, agencies, local authorities, the police, foreign governments and/or other body. We will notify you of our decision within 20 working days of receiving your response.

154. If we do not receive a response from you within the time allowed, we will proceed with whatever action we believe to be appropriate and will notify you of our decision in writing. Appropriate action may be to reinstate your licence with an A-rating, and/or reduce the number of CAS you are allowed to assign or revoke it.

155. Any action we take as a result of our decision will take effect from the date of the letter we send you to tell you about our decision. We will send this letter by recorded delivery.

156. If your licence has been suspended for one of the following reasons:

- a) You do not apply for HTS status by the dates specified as deadlines elsewhere in this guidance.
- b) Your HTS status expires and you do not apply in time to renew it.
- c) If you apply for HTS or HTS renewal after 5 September 2011 and your application is refused.

and following the consideration of any representations received in this period, you still fail to address the reasons for your suspension and meet the criteria to be awarded HTS, your licence will be revoked.

Reinstating your licence after suspension

157. If your licence has been suspended from the sponsor register and we do not subsequently revoke it we will reinstate it but may reduce the number of CAS you can assign (including reducing that number to zero) and highlight areas of improvement which will be assessed at the next visit.

Revocation

158. Certain circumstances can lead to us revoking your licence. If this happens it will be revoked in all the tiers, categories and sub-categories which you are licensed under.

159. If we revoke your licence and you are also an endorsing body under the Tier 1 (Graduate Entrepreneur) scheme, we will withdraw you from that scheme and any migrant you are endorsing will have their leave curtailed to 60 days to allow them to seek another route under which they can remain in the UK. If they have been unable to do this after the 60 day period they must leave the UK or face enforced removal.

When we will revoke your licence

The table below titled When we will revoke your licence sets out the circumstances in which we will revoke your licence.

160. We will revoke your licence for any single reason shown in the table below:

When we will revoke your licence

a.	We find, after your licence has been granted, that you gave false information on your sponsor licence application, or in support of your licence application.
b.	You stop trading or operating for any reason including if: <ul style="list-style-type: none"> i. you sell your business (this includes circumstances where this happens as a result of you becoming insolvent); ii. you go into liquidation, or sequestration is awarded and you cease to trade as a result of that; iii. a court issues a bankruptcy order against you; iv. you cease to have an operating/trading presence in the UK.
c.	You are a legacy sponsor and your last sponsored student finishes their course.
d.	You do not yet have educational oversight and your accreditation with one of the previously approved accrediting bodies is withdrawn. We will not revoke your licence if your accreditation with one of the previously approved accrediting bodies expires.
e.	You also have a Tier 2 and/or Tier 5 licence and you have certified that a migrant under Tier 2 and/or Tier 5 will not claim state benefits, and that migrant then did claim benefits, with your knowledge.
f.	Any work placement associated with a course for Tier 4 (General) students, accounts for more than 33 per cent of the total length of the course or more than 50 per cent of the course where the course is at or above NQF/QCF 6 or SCQF 9 and is studied at a higher education institution or the course forms part of a study abroad programme. This does not apply where there is a UK statutory requirement for the work placement to exceed these limits.
g.	Any work placement associated with a course for Tier 4 (Child) students aged 16 or above, accounts for more than 50 per cent of the total length of the course. This does not apply where there is a UK statutory requirement for the work placement to exceed these limits).
h.	The study element of any course you offer to sponsored students is not taken on your premises or at a partner institution named on your licence and the sponsored student's CAS.
i.	You have offered places and assigned CAS for students who are not from the countries we define as 'majority English-speaking countries', without first properly assessing their English language ability. This includes where you have issued a CAS to a student based on their expected results. This also applies to CAS you issued before 21 April 2011 when you were required to assess English language ability for students studying English language courses or courses below degree level (excluding foundation degrees).
j.	You are an A-rated sponsor and you have offered places to Tier 4 (General) students on courses at QCF or NQF level 3 (or equivalent).

k.	You have offered places to Tier 4 (General) students and the main course of study does not lead to an approved qualification for our purposes.
l.	You have assigned a CAS to a Tier 4 (General) student to take a distance learning course or a course designed only to support students taking distance learning courses.
m.	You have appointed a level 1 user who is not a settled worker and they assign their own CAS or they assign a CAS to a close member of their family or partner.
n.	You are issued with a civil penalty for employing one or more illegal workers, and the fine for at least one of those workers stood at the maximum once your objection and appeal rights have been exhausted.
o.	You are issued with a civil penalty as above for a first offence, where the fine is below the maximum amount, and you have failed to pay the fine in full or set up a payment instalment plan with us, by the 29th day after you are notified of liability which may be after an initial objection or appeal determination
p.	You are issued with a civil penalty as above for another offence within the period that your sponsor licence is valid and you are still liable once your objection and appeal rights have been exhausted.
q.	You are paying a civil penalty fine by an agreed payment instalment plan and you breach the conditions of that plan.
r.	You do not hold, or you stop holding, appropriate planning permission or local planning authority consent to operate your type or class of business at your trading address (where this is a local authority requirement).

s.	<p>You are convicted of a relevant offence.</p> <p>Relevant offences are:</p> <p>Any offence under:</p> <ul style="list-style-type: none"> i. the Immigration Act 1971; ii. the Immigration Act 1988; iii. the Asylum and Immigration Appeals Act 1993, iv. the Immigration and Asylum Act 1999; v. the Nationality, Immigration and Asylum Act 2002; vi. the Immigration, Asylum and Nationality Act 2006; vii. The UK Borders Act 2007 viii. trafficking for exploitation ix. any offence listed in Appendix B. <p>and any offences of:</p> <ul style="list-style-type: none"> x. espionage/terrorism xi. dishonesty (theft, corruption, deception and fraud) xii. bribery xiii. proceeds of crime xiv. money laundering xv. abuse and neglect of children
t.	<p>You are dishonest in any dealings with us. This includes, among other things:</p> <ul style="list-style-type: none"> i. making false statements, or failing to disclose any essential information, when applying for a sponsor licence; or ii. making false statements, or failing to disclose any essential information, when assigning a CAS

161. If any of the circumstances in the table above arise, we will revoke your licence immediately. We will write to tell you that we have revoked your licence. There is no right of appeal and you will not be able to apply again for a sponsor licence for a period of six months from the date we revoke your licence.

When we will consider revoking your licence

162. The table below titled When we will consider revoking your licence, sets out the circumstances in which we will consider revoking your licence.

When we will consider revoking your licence

a.	<p>You are dishonest in any dealings with us. This includes, among other things:</p> <ul style="list-style-type: none"> i. making false representations, or failing to disclose any essential information, when applying for a sponsor licence; or ii. making false representations, or failing to disclose any essential information, when assigning a CoS (for example falsely claiming to have complied with the resident labour market test).
b.	You become legally prohibited from acting as a company director.
c.	You become an undischarged bankrupt.
d.	You fail to comply with any of your duties.
e.	As a result of information available to our compliance officers, we are not satisfied that you are using the processes or procedures necessary to fully comply with your sponsor duties.
f.	You fail to keep any of the documents specified in Appendix D of this guidance and/or you fail to provide any documents listed in Appendix D of this guidance, to a compliance officer within the specified time limit.
g.	We find that students that you have sponsored have not complied with the conditions of their permission to stay in the UK.
h.	You, or any organisation that you have been involved with in a similar role, have their authorisation removed by the Office of the Immigration Services Commissioner (OISC). (This applies to people or organisations that provide immigration advice or services).
i.	<p>You assign a CAS stating that the course represents progression but you cannot show how you assessed the progression, or we are concerned about how you have assessed it as authentic; or</p> <p>we find, after you have assigned a CAS stating that there is academic progression, that there is no academic progression.</p>
j.	you assign a single CAS to a student for a pre-sessional and main course of study, where the requirements to do so have not been met. Please see the sections titled Pre-sessional Courses and How to assign a CAS in the Assigning a CAS and Sponsoring Students guidance documents.
k.	we find that you have assigned a CAS to cover more than one course (unless you meet the requirements to assign a single CAS for a pre-sessional and main course as set out in the sections titled Pre-sessional Courses and How to assign a CAS in the Assigning a CAS and Sponsoring Students guidance documents.

l.	you assign a CAS for a pre-sessional course which does not meet our definition of a pre-sessional course. Please see the glossary at the front of this document and the section titled Pre-sessional courses in the Assigning a CAS and Sponsoring Students guidance documents.
m.	Any of your users of the (SMS) disclose their SMS password to another person.
n.	You have no authorising officer.
o.	You have no level 1 users.
p	You have no SMS users in place.
q.	You do not supply, when requested and within the specified time limit, any document we request to support any changes that you have reported to us using the SMS or the sponsor change of circumstances form.
r.	You are an A-rated sponsor and you continue to sponsor a student after they have failed a re-sit twice, or repeated a period of study twice.
s.	You do not have enough control over any overseas agent acting on your behalf. For example we may find evidence: i. of a significant increase in the volume of applications from a particular part of the world with no explanation; and/or ii. that we are refusing significant volumes of student applications from a particular part of the world.
t.	You fail to report a material change of circumstances, as determined by your educational oversight body, to your educational oversight body.
u.	We find, upon inspection that you have students studying at your institution without valid permission to be in the UK.

163. We may not always revoke your licence in the circumstances set out in the table above. Whilst we cannot precisely define the exceptional circumstances in which we will not, this decision will be based on such factors as the number of breaches, previous history and the efforts you have made to address these issues. However, we may immediately suspend it and may withdraw any CAS that you have assigned but which have not yet been used to support an application for leave to come to or stay in the UK. We will look for evidence that you were either not responsible for what happened or, if you were, you took prompt and effective action to remedy the situation when it came to light. For example if one of your employees was wholly responsible for what has happened and that person was dismissed when it came to light.

How revocation affects your sponsored students

164. If we believe that students were actively involved (complicit) in the circumstances which led to your licence being revoked, for example if the student agreed that you would arrange a non-existent course for them so they could come to the UK, we will immediately cancel their permission to stay in the UK and they will have to leave the UK or face enforced removal.

165. If we believe that students were not actively involved in the circumstances which led to your licence being revoked, we will curtail their permission to stay in the UK to 60 calendar days to give them a chance to find a new sponsor. The student's leave will be curtailed to 60 days from the date of our letter informing them that their leave has been curtailed. If a student has less than 60 days' permission left, we will not curtail it. When their permission expires, if they have not found a new sponsor they will have to leave the UK or face enforced removal.

166. If you are an endorsing body under the Tier 1 (Graduate Entrepreneur) scheme, the same action as described in the previous paragraph, will be taken in respect of any migrant you are endorsing under that scheme.

167. If before we revoke your licence, a student has made an application for leave to remain or further leave to remain before their previous leave has expired and their application is still under consideration, their CAS will become invalid and their application will be refused if we think the student was involved in the reasons which led to your licence being revoked.

168. If the student was not actively involved in the circumstances which led to your licence being revoked we will delay the refusal of their application to allow them 60 days to regularise their stay or to leave the UK.

169. We will write to the student informing them of the date by which they should provide a new CAS if they intend to do so. If they fail to provide a new CAS within the specified period their application will be considered on the basis of the evidence submitted with their application.

170. We will take action against any student who remains in the UK after their permission to stay here has expired. This may result in them being detained and removed from the country. We may also refuse any applications they make to come to the UK for up to 10 years after their removal.

171. If we revoke your licence, any CAS you have assigned will automatically become invalid. This means we will refuse any application a student makes on the basis of that CAS.

172. If a student has already been given a visa when we revoke your licence, we will cancel it if they have not yet travelled to the UK. If they then travel to the UK, we will refuse them entry.

If my licence is revoked, can I apply again?

173. If we revoke your licence, you cannot make a further application for a sponsor licence for a period of six months from the date we revoked your licence. The only exception to this is if we revoked your licence in error. If this happens, we will contact you to make arrangements for your licence to be reinstated. If you do make an application before that six month period has passed, we will refuse the application.

174. If you do apply again after six months, we will treat the application the same as any other application. You will have to pay the right fee and send in all the relevant documents for the tier, category, or sub-category you are applying for. You should make sure you have addressed any reasons why we revoked your previous licence before you apply again.

This is the end of the Sponsor Duties and Compliance Guidance document.

Please also see the Applying for or renewing a Tier 4 sponsor licence and Assigning a CAS and sponsoring students guidance documents.