



# GMS Flash Alert

## Immigration Edition

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# United Kingdom – More Rigorous Document-Keeping Duties for Sponsors

The U.K. government recently updated the list of documents corporate sponsors in the U.K. must keep on file for employees they sponsor under Tier 2 of the points-based immigration system. Sponsors must now additionally check and maintain a record of the date on which the migrant entered the United Kingdom.<sup>1</sup>

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## WHY THIS MATTERS

If the migrant does not have an entry stamp in his passport, employers are now required to check the date of entry by asking to see evidence such as travel tickets or a boarding pass (in paper or electronic form). They will then need to make a record of the date in the migrant's personnel file, but do not have to retain copies of the evidence seen.

Sponsors will also need to make sure that the Tier 2 migrant in their employ has entered during the validity of his visa. If the Tier 2 migrant entered before the validity date on his visa, he will not have permission to work. This could create issues for the employer and for the employee.

All this could mean more administration and different processes for employers, and specifically, the departments within their organisations that handle the files and records for their Tier 2 migrant employees.

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## Context

Traditionally, the date of entry into the U.K. for all non-European Economic Area and Swiss migrants was stamped onto their entry clearance visas in their passports by an immigration officer when they passed through U.K. border controls. Employers did not have to keep a record of the entry date.

ePassport gates have been available to U.K. and EU nationals since 2008. However, the extension of the ePassport gate programme in May 2019 to nationals of Australia, Canada, Japan, New Zealand, Singapore, South Korea, and the USA, (and in specific circumstances, Hong Kong and Taiwan) has meant that many Tier 2 migrants now enter the U.K. via these gates, and they do not see an immigration officer and do not receive an entry stamp on their visas.

As a result, under the new rules, sponsors must now check and maintain a record of the date on which the Tier 2 migrant entered the U.K., and ascertain that the Tier 2 migrant has entered during the validity of his visa.

## Details of Published Guidance

Tier 2 sponsors must always check the date on which their sponsored employee entered the U.K. to make sure he entered during the validity of his Tier 2 visa and is thus eligible to begin working. If he entered before the validity date on his visa, he will not have permission to work.

If this is the case, migrants should be advised to leave the Common Travel Area (U.K., Guernsey, Jersey, Isle of Man, and Ireland) and re-enter the U.K. within the validity of their visa.

In many cases, employers will be able to check the date of entry by examining the entry stamp on the migrant's visa within his passport. In such cases, a copy of the stamp should be kept in the migrant's personnel file.

As set out above, there will be circumstances in which the migrant may not have an entry stamp, including:

- if he holds a valid visa and entered the U.K. through Ireland; or
- if he entered the U.K. via ePassport gates.

If the migrant does not have an entry stamp in his passport, employers are now required to check the date of entry by asking to see evidence such as travel tickets or a boarding pass (in paper or electronic form). They will then need to make a record of the date in the migrant's personnel file, but do not have to retain copies of the evidence seen.

It is important to note that this requirement is different from the requirement to verify that an employee has the legal right to work in the U.K., which remains unchanged.

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## KPMG LLP (U.K.) NOTE

The ePassport gates expansion is providing an automated route through the border for an estimated additional 6 million international travellers arriving in the U.K. every year.<sup>2</sup> The U.K. government is hoping that this move has improved, and will continue to improve, the swift flow of passengers through the U.K.'s borders. While ePassport gates may make entry to the U.K. easier for migrants – which is a welcome development – it appears that this improvement is offset by additional responsibilities placed on sponsors to foster the use of the gates in a correct and responsible manner.

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## FOOTNOTES:

1 See "[Guidance: Sponsor guidance appendix D: keeping records for sponsorship](#)," from the U.K. government.

Also, see from the Home Office, "[Tiers 2, 4 and 5 of the Points Based System: Guidance for Sponsors Appendix D: Keeping documents - guidance for sponsors](#)."

2 See the U.K. Border Force and U.K. Visas and Immigration news story (30 October 2018), "[ePassport gates to ease travel for passengers from more countries](#)."

For prior coverage of ePassport developments, see GMS [Flash Alert 2019-093](#), 21 May 2019.

## Contact us

For additional information or assistance, please contact your local GMS or People Services professional\* or one of the following professionals with the KPMG International member firm in the United Kingdom.

The KPMG Legal Services – Immigration Team has a wealth of experience in transactional, advisory, and compliance assurance services. We will be able to advise your business in relation to practical considerations in light of the above changes, as well as what this means for your long-term recruitment and compliance strategies.



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