



P R O C E D U R E

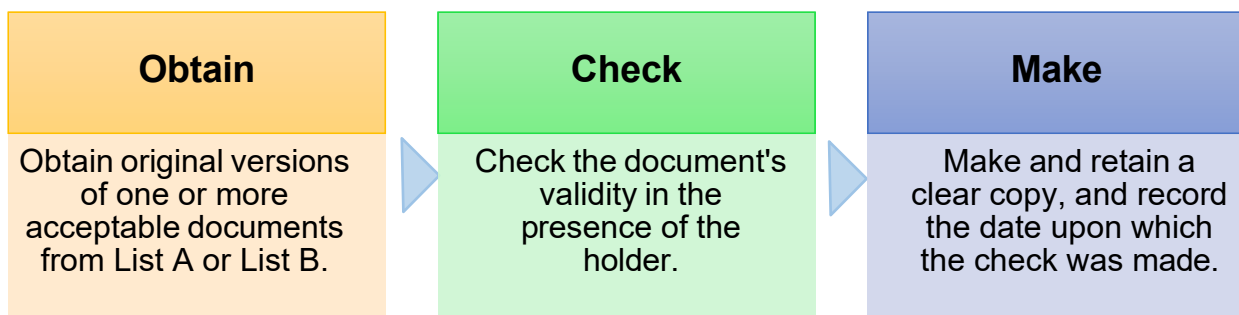
RIGHT TO WORK CHECKS - PROCESS AND DOCUMENTS THAT ARE REQUIRED UNDER THE IMMIGRATION ACT

All employers in the United Kingdom (UK) have a responsibility to prevent illegal working; they fulfil this by conducting right to work checks before employing people, in order to make sure that the individuals are not disqualified from carrying out the work in question by reason of their immigration status.

In order to be able to verify an individual's right to work in the UK, and to have a statutory excuse against liability for a civil penalty, employers are required to see and keep a copy of original specified documents as set out in List A or List B overleaf.

Provided that an employer has correctly conducted the right to work check and, crucially, can provide evidence of this, they will benefit from the 'statutory excuse'. This means that, if they are later found to be employing an illegal worker, they are excused from a civil penalty and so do not receive a fine which is currently set at up to £20,000 per illegal worker.

PROCESS FOR UNDERTAKING RIGHT TO WORK CHECKS



Right to work checks should be conducted on all potential employees, otherwise the Service could be liable for claims of discrimination.

Obtain

An original document from either List A or List B must be obtained as an acceptable document to prove the right to work in the UK.

List A contains the range of acceptable documents for a person who has a permanent right to work in the UK. If the check is conducted correctly as above, this will establish a continuous statutory excuse for the duration of that person's employment with the Service. No further right to work checks would be required in respect of this individual.

List A Documents	
1.	A passport (current or expired) showing the holder is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2.	A passport or passport card (current or expired) showing that the holder is an Irish citizen.
3.	A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
4.	A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
5.	A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
6.	A birth or adoption certificate issued in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
7.	A birth (short or long) or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
8.	A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

OR

List B contains a range of acceptable documents for a person who has a temporary right to work in the UK. If the check is conducted correctly as above, this will establish a time-limited statutory excuse to work in the UK and a follow-up check will be required prior to the date of expiration so as to ensure a renewed right to work.

List B Documents	
Group 1 – Documents where a time-limited statutory excuse lasts until the expiry date of leave:	
1.	A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2.	A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
3.	A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Group 2 – Documents where there is a time-limited statutory excuse lasting six months from the date specified on the Positive Verification Notice:	
1.	A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.
2.	A Certificate of Application (digital or non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021, together with a Positive Verification Notice from the Home Office Employer Checking Service.
3.	A document issued by the Bailiwick of Jersey or the Bailiwick of Guernsey, showing that the holder has made an application for leave to enter or remain under Appendix EU to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.
4.	An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.
5.	A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

Check

When carrying out right to work checks on documents from List A or List B, the original documents must be provided for checking as copies will not be accepted. The holder should be present in person at the time of checking.

The documents should be checked to ensure that they are genuine, have not been tampered with and belong to the holder present. All documents should be checked for:

- consistent photographs across documents and showing the person's actual appearance;
- correct and consistent dates of birth across documents;
- expiry dates for time-limited permission to be in the UK in the future that have not passed;
- work restrictions allowing the person to work for the Service and to do the type of work on offer. For students who have limited permission to work during term time, details of their academic term and vacation times must also be obtained to cover the duration of their period of study in the UK for which they will be employed. These should be copied and retained;
- reasons for any different names across documents, e.g. marriage certificate, divorce decree, deed poll. Supporting documents should also be photocopied and a copy retained.

Photocopies of the document or the relevant parts of it should be kept on the individual's personnel file in a form that cannot be altered, with a record of the date of the check and the name of the person who conducted it.

Confirmation and Record-Keeping

A record of the document checks must be kept as this will provide the statutory excuse, should any issues arise. A copy of the original document is to be made in a format in which cannot be altered manually.

The Service employees undertaking the checks should confirm that 'this is a verified copy of the original document, check undertaken on *(insert date)*', and print and sign their names and the date of the check. This should be completed on the copy of every document checked.

Carrying out the check but failing accurately to record the date or neglecting to retain a complete copy will render the check useless.

The copied documents must be returned to the Human Resources (HR) Department immediately and will be retained on the employee's Personal Record File for the duration of the employment.

It should be noted that, if potential employees cannot provide acceptable documents from either of the lists, their employment offer will be placed on hold until a right to work in the UK can be established. The offer will be withdrawn if the right to work cannot be established.

QUERIES

Any queries in relation to undertaking right to work checks should be directed to the HR Department. Any concerns with documents provided should be noted and HR advice taken with regard to any action required.

This document forms part of a suite of information covering this subject area; hyperlinks to all the documents are available by clicking back to the home page.

It is recommended that this document be reviewed on a triennial basis; however, it might require earlier revision in the light of any regulatory change which comes into effect in the interim.			
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