

UNIVERSITY GUIDE TO CHECKING RIGHT TO WORK DOCUMENTS

The rules relating to the prevention of illegal working are set out in the Immigration, Asylum and Nationality Act 2006. As an employer we have a duty under the Act to carry out document checks to make sure all staff have the right to work for us. We can be prosecuted for employing someone illegally, which includes students with expired visas or working more hours than they are allowed to; or offering work to someone on a visitor's visa. Employing anyone with no right to work leaves us open to prosecution and payment of a civil penalty of up to £20,000 per illegal worker and jeopardises our ability to recruit international students and staff.

To avoid discrimination, **right to work checks must be carried out on all staff before they start work**, irrespective of nationality.

What documents are acceptable?

There are two lists (List A and List B) of documents that are acceptable under the Act for demonstrating someone has the right to work in the UK. These lists are provided in Appendix A.

What is the process for checking documents?

To avoid the risk of civil penalty we must follow the Home Office 3-Step process. The following guidance is taken from the Home Office's '[An Employers Guide to Right to Work checks, 29 June 2018](#)'

Step 1: Obtain original versions of one or more of the acceptable documents;

Step 2: Check the original documents in the presence of the holder of the documents;

Step 3: Make copies of the documents, retain copies and a record of the date on which the check is made.

Step 1: Obtain	Step 2: Check	Step 3: Copy
You must obtain original acceptable documents from either List A or List B of acceptable documents.	You must check that the documents are genuine and that the person presenting them is the prospective employee or employee, the rightful holder and allowed to do the type of work being offered. Note: This can be a physical presence in person or via a live video link. In both cases you must be in physical possession of the original documents. You may not rely on the inspection of the document via a live video link or by checking a faxed or scanned copy of the document.	You must make a clear copy of each document in a format which cannot manually be altered: electronically or hard-copy. You must retain a secure record of the date on which you made the check.
You must ask for and be given original documents from either List A or List B as outlined in the appendix.	How: You must check: <ol style="list-style-type: none"> 1. photographs and dates of birth are consistent across documents and with the person's appearance in order to detect impersonation; 2. expiry dates for permission to be in the UK have not passed; 3. for any work restrictions to determine if they are allowed to do the type of work on offer; <p>Note: Students holding a Tier 4 visa have limited permission to work during term-times. As well as a valid visa the student must provide a letter confirming their term dates. This can be obtained by emailing the International Services Team (compliance) at casquery@essex.ac.uk. It may take up to 5 working days for this letter to be produced and possibly longer during busy periods. Tier 4 students must also complete a Tier 4 declaration form.</p>	How: you must copy and retain: <ol style="list-style-type: none"> 1) passports: any pages with document expiry date, nationality, date of birth, signature, photo, leave expiry date, biometric details, and any pages containing information indicating the holder has an entitlement to enter or remain in the UK (visa or entry stamp) and undertake the work in question (the front cover no longer has to be copied). 2) all other documents: the document in full, including both sides of a Biometric Residence Permit, Application Registration Card and a Residence Card (biometric format).

	<p>4. the documents are genuine, have not been tampered with and belong to the holder; and</p> <p>5. the reasons for any different names across documents (e.g. marriage, divorce, deed poll). Supporting documents should be copied and retained.</p>	<p>The date should be written on each document copy as follows 'the date on which this right to work check was made: [insert date]</p> <p>The necessary documents must be collated and returned to HR to be kept on the individual's file.</p>
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To assist us in undertaking these checks the Home Office recommend we use the following tools:

- employers' '[Right to Work Checklist](#)' to ensure we have correctly carried out all the steps we need to; or
- the online interactive tool '[Check if someone can work in the UK](#)' which will take you through the process by asking you a series of questions.

Both of these tools will help confirm that you have undertaken each step correctly to establish a statutory excuse.

Employing workers from the European Economic Area (EEA)

Nationals from EEA countries (see below) and Switzerland can enter the UK and work without restriction – provided you have seen either a national passport or national identity card. If presented with an ID card you must check it describes the holder as a 'national' or 'citizen' of the relevant EEA country or Switzerland.

European Economic Area

Austria	Germany	Malta
Belgium	Greece	Netherlands
Bulgaria	Hungary	Norway
Croatia*	Iceland	Poland
Cyprus	Ireland	Portugal
Czech Republic	Italy	Romania
Denmark	Latvia	Slovakia
Estonia	Liechtenstein	Slovenia
Finland	Lithuania	Spain
France	Luxembourg	Sweden

*Croatian Nationals

From 1 July 2018, Croatian nationals will no longer be subject to restrictions on their access to the UK labour market. A Croatian national may demonstrate their right to work by producing an official document showing their nationality. This will usually be either a national passport or national identity card.

Employing Students

Remember that there are both University rules and Home Office rules relating to the total hours students can work during their studies. An individual's visa will say if they can work in the UK and, if so, how many hours per week during term time. Ensure that any casual or temporary contract does not go beyond the visa expiry date.

The visa holder must only work the hours stated on their visa. In vacations they can work longer hours but you must check what term time rules apply to them as the University term dates do not apply to all individuals. Students must provide details of their academic term and vacation dates covering the period of study during which they will be employed.

Further information on student working is available on the Student Support website:
http://www.essex.ac.uk/immigration/living/work_int.aspx

Expired Passports

You can accept expired UK and EU passports but not temporary or emergency passports.

What if I am unsure about the documents presented to me

If you have any concerns about the documents presented to you, contact the Employee Relations Team or a member of the Resourcing Team immediately. Remember that satisfactory document checks **must** be completed before the date employment begins.

Appendix

The documents that are considered acceptable for demonstrating right to work in the UK are set out in two lists – **List A** and **List B**. These are shown below.

List A documents show that the holder has a permanent right to work in the UK, for example a UK Passport.

List B documents show that the holder has a temporary right to work in the UK for a specified time - limited period, for example a visa.

List A – Acceptable documents to establish a permanent right to work in the UK	
1.	A passport showing the holder, or a person named in the passport as the child of 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 national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
3.	A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
4.	A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
5.	A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
6.	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.
7.	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.
8.	A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, 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.
9.	A birth 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.
10.	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.

List B – Acceptable documents to establish a right to work for a limited period of time	
Group 1 – Right to work documents valid until the expiry date of leave shown	
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 current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3.	A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
4.	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 providing evidence of right to work for 6 months	
1.	A Certificate of Application issued by the Home Office under regulation 17(3) or 18A(2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old together with a Positive Verification Notice from the Home Office Employer Checking Service.
2.	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.

3.	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.
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