

<b>POPP Sub Doc Cover Sheet</b>	
<b>Acceptable Documents for Proving Right to Work in the UK and Checking (Process)</b>	
<b>Enabling Policy Statement Executive Owner:</b>	Our Colleagues – Chief Operating Officer
<b>Authorised Owner:</b>	Human Resources Director
<b>Authorised Co-ordinator:</b>	Associate Director (People Services)
<b>Effective date:</b>	03 July 2024
<b>Due date for full review:</b>	03 July 2025
<b>Owning Procedure:</b>	Eligibility To Work In The UK Procedure

### Approval History

<b>Version</b>	<b>Reason for review</b>	<b>Date</b>
1.0	Migration to the POPP governance structure  Amendments due to legislation changes in April 2024 and update to content	03 July 2024

## **Acceptable documents for proving the Right to Work in the UK**

The documents that are acceptable for proving someone has the right to work in the UK are split into two lists.

List A documents show that the holder is not subject to immigration control, or has no restrictions on their stay, so they have an ongoing right to work in the UK.

List B documents show that the holder has been granted leave to enter or remain in the UK for a limited period of time, and/or has restrictions on their right to work.

If a person has an outstanding application with UK Visas and Immigration and therefore cannot produce acceptable documentation, HR will request a verification notice to confirm if the person has the right to work in the UK.

Frequency of document checks

- List A – before employment starts only
- List B – Group 1 – before employment starts and again when permissions expire
- List B – Group 2 – before employment starts and again after 6 months.

### **1.0 Validity of passports**

As of May 2014, sponsored workers are expected to provide evidence of their right to work in the UK. Sponsored workers cannot commence employment until acceptable documentation is provided.

#### **List A – acceptable documents to establish a continuous statutory excuse**

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 (in either case, whether 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(J) 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 (short or long) 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 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.

**List B 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(J) 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.

**List B Group 2 – documents where a time-limited statutory excuse lasts for six months**

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 (known as the EU Settlement Scheme) on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.

2. A Certificate of Application (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, the Bailiwick of Guernsey or the Isle of Man showing that the holder has made an application for leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules or Appendix EU to the Immigration Rules (Bailiwick of Guernsey) Rules 2008, or Appendix EU to the Isle of Man Immigration Rules 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.

## 2.0 EEA Citizens – Right to Work Checks from 1 July 2021

### *EEA citizens granted status under the EU Settlement Scheme (EUSS)*

From 1 July 2021, the majority of EEA citizens will prove their right to work using the Home Office online right to work service.

Those who have made a successful application to the EUSS will have been granted their immigration status digitally and can only prove their right to work using Home Office online service ‘prove your right to work to an employer’ available on GOV.UK: <https://www.gov.uk/prove-right-to-work>. To prove their right to work from 1 July 2021, individuals must provide HR Operations with a share code and date of birth.

If an EEA citizen has been granted ‘Settled Status’ by the Home Office, they will have a continuous right to work, in the same way as someone with Indefinite Leave to Enter / Remain status.

If an EEA citizen has been granted ‘Pre-Settled Status’ by the Home Office, they will have a time-limited right to work and you must carry out a follow-up check. The Home Office online service will advise you when a follow-up check must be carried out.

### *When an Online check cannot be carried out for EEA Citizens*

There will be some EEA citizens who do not have status under the EU Settled Status scheme:

- Frontier Worker Permits
- Service Provider of Switzerland visas
- Outstanding applications to UK EUSS
- Outstanding applications to Crown Dependency EUSS
- EEA citizens with Indefinite Leave to Enter/Remain
- Points-Based System visas

## 3.0 Checking documentation

Checking a person’s documents to determine if they have the right to carry out the type of work offered comprises 3 key steps. Where a right to work in the UK check is carried out before someone starts employment with the University, it will establish a ‘statutory excuse’ against payment of a civil penalty if an illegal worker is employed.

**Obtain:** original, acceptable documents before an employee starts work. Acceptable documentation is listed in above.

**Check:** the document’s validity in the presence of the holder by taking all reasonable steps to check that the document is genuine and to confirm that the holder is the person named in the document. The document should also allow the individual to do the work in question. This will include checking that photographs and dates of birth are consistent across documents, that expiry dates for permission to be in the UK have not passed, that any work restrictions are assessed to ensure the individual can commence work, that documents are genuine and have not been tampered with, and that reasons for any difference in names across documents can be explained by the provision of evidence, for example a marriage certificate.

Those eligible for the use of the online right to work checking service can be verified via a video call, with a manual check carried out on the first day of employment.

For British and Irish citizens the University may use certified Identification Document Validation Technology (IDVT) service providers (YOTI) to carry out digital identity checks on their behalf for many who are not in scope to use the Home Office online services.

**Copy:** Make and retain a clear copy, verifying and dating the copy to confirm an original has been seen and checked. Ensure that the date the check was carried out is also clear and kept as a secure record. In some cases, the University may contact the Employer Checking Service for information on certain documents issued by the UK Visas and Immigration (UKVI), or to confirm eligibility to work. Candidates will also be required to bring in their original qualification certificates relevant to the position they are being interviewed for.

Where the documents show that the individual has an automatic or indefinite right to work in the UK no further check on eligibility is normally required during the period of employment. If an individual has a time limit on their right to work the eligibility checks will normally be made annually.