Right to Work

In accordance with the Asylum & Immigration Act 1996, all workers must provide proof of their right to work in the UK.

You should correctly follow Steps 1 to 3 below for every person you are looking to register as a worker:

**Step 1**

You must ask for and be given:

Either

- one of the single documents, or two of the documents in the specified combinations given, from List A;

Or

- one of the single documents, or two of the documents in the specified combinations given, from List B.

You must only accept original documents.

Details of the documents included in List A and List B are provided in Appendix 2 along with sample documentation.

**Step 2**

You must take all reasonable steps to check that the document is genuine and to satisfy yourself that the holder is the person named in the document. You should also check that the document allows them to do the work in question.

For each document given to you, you must:

- check any photographs are consistent with the appearance of the person; and
- check any dates of birth listed are consistent across documents and that you are satisfied that these match up with the appearance of the person; and
- check that the expiry dates of any limited leave to enter or remain in the UK have not passed; and
- check any UK government endorsements (Biometric Residence Permits, stamps, stickers, visas) to see if the person is able to do, or can continue to do, the type of work you are offering; and
- satisfy yourself that the documents are genuine, have not been tampered with and belong to the holder. Always check for signs of tampering when checking identity documents, and
- if you are given two documents which have different names, ask them for a further document to explain the reason for this. The further document could, for example, be a marriage certificate or a divorce decree absolute, a deed poll or statutory declaration.
- do not accept documentation printed from the internet.
• if a document supplied gives you any reasons for doubt please check with a member of Human Resources.

**Step 3**
You must take a copy of the relevant page or pages of the document. In the case of a passport or other travel document, the following parts must be photocopied or scanned:

- the document’s front cover and any page containing the holder’s personal details. In particular, you should copy any page that provides details of nationality, their photograph, date of birth, signature, date of expiry or biometric details; and
- any page containing UK Government endorsements showing that the holder has permission to be in the UK and has the right to carry out the work in question.
- You must copy other documents in full; this includes both sides of a Biometric Residence Permit.
- Please sign and date on the copy of the document the date on which you took the copy. All copies of documentation should then be loaded onto the HR System (See Section 6.4.2).

We are breaking the law if we engage a worker who does not have the right to work in the UK. The University can be fined up to £20,000 for each illegal worker or face criminal prosecution.
Appendix 2

Acceptable documents for proving right to work in the UK

You must be provided with one of the documents or combinations of documents in List A or List B below as proof that someone is allowed to work in the UK.

You must only accept originals documents.

List A:

- 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
- A passport or national identity card showing that 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
- A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to a national of a European Economic Area country or Switzerland
- A permanent residence card or document issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to the family member of a national of a European Economic Area country or Switzerland
- A Biometric Residence Permit issued by the UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK
- A passport or other travel document 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
- An Immigration Status Document issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK together with an official document issued by a previous employer or Government agency with the person’s name and National Insurance number (a P45, P46, National Insurance card, or letter from a Government agency)
- A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder’s parents together with an official document issued by a previous employer or Government agency with the person’s name and National Insurance number (a P45, P46, National Insurance card, or letter from a Government agency)
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland together with an official document issued by a previous employer or Government agency with the person’s name and National Insurance number (a P45, P46, National Insurance card, or letter from a Government agency)
- A certificate of registration or naturalization as a British citizen together with an official document issued by a previous employer or Government agency with the person’s name and National Insurance number (a P45, P46, National Insurance card, or letter from a Government agency)
- A letter issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the UK together with an official document issued by a previous employer or Government agency with the person’s name and National Insurance number (a P45, P46, National Insurance card, or letter from a Government agency)
List B:

- A passport or other travel document endorsed to show that the holder is allowed to stay in the UK and is allowed to do the type of work you are offering
- A Biometric Residence Permit issued by the UK Border Agency to the holder which indicates that the person named in it can stay in the UK and is allowed to do the type of work you are offering
- A residence card or document issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to a family member of a national of a European Economic Area country or Switzerland
- A work permit or other approval or other approval to take employment issued by the Home Office, the Border and Immigration Agency or the UK Border Agency together with either a passport or travel document endorsed to show the holder is allowed to stay in the UK and is allowed to do the work you are offering or a letter issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to the holder or to you confirming the same
- A Certificate of Application which is less than 6 months old issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to or for the family member of a national of a European Economic Area country or Switzerland stating the holder is allowed to take employment together with a positive verification letter from the UK Border Agency’s Employer Checking Service
- An Application Registration Card (ARC) issued by the Home Office, the Border and Immigration Agency stating that the holder is ‘ALLOWED TO WORK’ or ‘EMPLOYMENT PERMITTED’ together with a positive verification letter from the UK Border Agency’s Employer Checking Service
- An Immigration Status Document issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to the holder with an endorsement indicating that the person named on it can stay in the UK and is allowed to do the type of work you are offering together with an official document issued by a previous employer or Government agency with the person’s name and National Insurance number (a P45, P46, National Insurance card, or letter from a Government agency)
- A letter issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to the holder or to you as the potential employer or employer, which indicates that the person named in it can stay in the UK and is allowed to do the type of work you are offering together with an official document issued by a previous employer or Government agency with the person’s name and National Insurance number (a P45, P46, National Insurance card, or letter from a Government agency)
Sample Documentation & UKBA Endorsements

A passport showing that the holder is a British citizen or a citizen of the United Kingdom and Colonies having the right of abode in the United Kingdom:

Passport:  

Right of Abode sticker:

A passport, biometric ID card or other travel documents indicating the holder is exempt from immigration control, is allowed to stay indefinitely in the country or has no time limit on their stay:
Full UK, Channel Islands, Isle of Man or Irish birth certificate:

**UK:**

**Jersey:**
Isle of Man: Irish:

Full UK, Channel Islands, Isle of Man or Irish adoption certificate:

UK

Guernsey:
Certificate of registration or naturalisation as a British citizen;

*Naturalisation (pre 2004)*

*registration (post 2004)*

Letter issued by the Home Office or UK Border Agency indicating indefinite leave to remain:
Residence cards / documentation:

There is a new generation of ARC, which will be issued shortly. The “Employment Permitted” wording printed on the ARC will be replaced with ‘Allowed to Work’ and the ‘Employment Prohibited’ wording printed on the card will be replaced with ‘Forbidden from Taking Employment.’
Limited Leave to Remain:

Leave to remain in the United Kingdom is hereby given

Until

on behalf of the Secretary of State
Home Office

Date

Leave to enter the United Kingdom is hereby given for/until

Date

Leave to remain in the United Kingdom, on condition that the holder maintains and accommodates himself and any dependants without recourse to public funds is hereby given

until

on behalf of the Secretary of State
Home Office

Date
Student visa:

Sample Home Office Letters:
Change of Conditions:

You may also be presented with the following ink stamp, which was formerly used by Immigration Officers to transfer a person’s conditions from an old passport into a new passport.

If someone presents this ink stamp to you in their passport, you should require them to produce their previous passport containing their previous leave so you can be sure that they are permitted to take the employment you are offering.

Asylum Seekers:

Those asylum seekers who have been awarded refugee status or leave to stay here under a form of temporary protection, will not usually possess a national passport endorsed with leave to enter or remain in the UK.
In certain circumstances, they are able to apply to the Home Office for a travel document. Examples of the three Home Office travel documents are pictured below.

Travel or identity documents
Stamps and Endorsements which forbid working in the UK:

Leave to enter the United Kingdom on condition that the holder maintains and accommodates himself and any dependents without recourse to public funds and does not enter or change employment paid or unpaid without the consent of the Secretary of State for Employment, and does not engage in business or profession without the consent of the Secretary of State for the Home Departments hereby given for/until

The holder is required to register at once with the police.

SPECIMEN
Bulgarian and Romanian Nationals (EU2)

Workers can move and live freely in any European Union (EU) member state as a European Economic Area (EEA) national. They do not need permission to enter or remain to live in the United Kingdom. However if they want to work in the United Kingdom they will need to apply for an accession worker card, and we will have to apply for a work permit.

EU2 nationals who claim to be exempt on the basis of being highly skilled must have a ‘blue’ registration certificate confirming that they have unrestricted access to the UK labour market before they can start work.

EU2 national students who wish to work, and who are not otherwise exempt, must have a ‘yellow’ registration certificate confirming that they are exercising a Treaty right as a student and have limited access to the UK labour market. The registration certificate will specify the restrictions.

For further information, including any exemptions go to the website http://www.ukba.homeoffice.gov.uk/workingintheuk/eea/bulgariaromania/