

EAST CAMBRIDGESHIRE DISTRICT COUNCIL

EMPLOYERS RIGHT TO WORK CHECKLIST

Name of person:

Date of check:

- Type of check: First check (before employment)
 Repeat check (upon appointment)

STEP 1: ASK FOR ACCEPTABLE DOCUMENTS SHOWING RIGHT TO WORK

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 original documents.

List A

List A

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 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.
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 or document 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 birth (short or long) **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 (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 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 Group 1

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.

List B Group 2

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 (ARC) 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 Officer 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.

STEP 2: CHECK THE VALIDITY OF THE DOCUMENTS

You must satisfy yourself that the documents are genuine and that the person presenting the documents is the prospective employee, the rightful holder and allowed to do the type of work you are offering. .

1. Are photographs consistent across documents and with the with the person's appearance? Yes No N/A
2. Are the dates of birth listed consistent both across documents and with the person's appearance? Yes No N/A
3. Are expiry dates for time-limited permission to be in the UK in the future, i.e. they have not passed (if applicable)? Yes No N/A
4. Have you checked work restrictions to determine if the person is able to work for you and do the type of work you are offering? (for **students** who have limited permission to work during term time, you **must** also obtain, copy and retain details of their academic term and vacation times covering the duration of their period of study in the UK for which they will be employed? Yes No N/A
5. Are you satisfied that the document is genuine, has not been tampered with and belongs to the holder? Yes No N/A
6. Have you checked the 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.) Yes No N/A

STEP 3: TAKE A COPY OF THE DOCUMENTS

You must take a clear copy of each document in a format which cannot later be altered and retain the copy securely: electronically or in hardcopy. You must copy and retain:

1. **Passports:** any page with the document expiry date, nationality, date of birth, signature, leave expiry date, biometric details and photograph, and any page containing information indicating the holder has an entitlement to enter or remain in the UK and undertake the work in question.
2. **All other documents:** the document in full, both sides of a Biometric Residence Permit.

STEP 4: KNOW THE TYPE OF EXCUSE YOU HAVE

If you have correctly carried out the above 3 steps you will have an excuse against liability for a civil penalty if the above named person is found to be working for your illegally. However, you need to know whether you have a continuous or a time-limited excuse, because this determines how long it lasts for, and if and when you are required to do a follow-up check.

The documents that you have checked and copied are from:

List A

- You have a **continuous statutory excuse** for the **full duration** of the person's employment with you. You are **not** required to carry out any repeat right to work checks on this person.

List B Group 1

- You have a **time-limited statutory excuse** which expires when the person's permission to be in the UK and undertake the work in question expires. You should carry out a **follow-up check when the document evidencing their permission to work expires.**

List B Group 2

- You have a **time-limited statutory excuse** which expires 6 months from the date specified in your Positive Verification Notice. **This means that you should carry out a follow up check when this notice expires.**

Date repeat check required:.....