

## ***Right to work FAQ***

### **Why do we carry out right to work checks?**

Under section 15 of the Immigration, Asylum and Nationality Act 2006 an employer may be liable for a civil penalty if they employ someone who does not have the right to carry out the work in question. Employers have a duty to prevent illegal working in the UK by people who are subject to immigration control. Where this is not complied with, an employer may face a financial penalty (civil penalty) and in some cases, prosecution.

### **How are the right to work checks carried out?**

The checks can be broken down into these key steps:

1. A member of our HR team will ask to **view your documents** upon your arrival at your interview or Assessment Centre;
2. The team member will then **check them in your presence**, identifying whether the documents are valid, legible and relate to the holder; and
3. The team member will then **make and retain a clear copy of the documents**, and make a record of the date of the check. If the person is a student subject to a condition limiting the number of hours they can work per week during term time, we will also obtain and retain details of their term and vacation dates.

### **Which documents do I need to provide to prove my right to work in the UK?**

If you are invited to an Interview or Assessment Centre then you will be required to provide documented proof **on the day** that you have the right to work in the UK. Photocopied or scanned documents are not accepted and originals must be legible and not damaged.

Unfortunately, if you are unable to provide this proof on the day, you will be unable to participate in the recruitment process.

Under normal circumstances, you will need to provide:

- A valid passport (which must be in date)
- Detail of your valid UK Visa, if applicable

**If you do not have a passport you will need to bring both of the following original documents:**

- Full birth or adoption certificate containing at least one of your parents' names
- An official document giving your permanent National Insurance number and your name issued by a Government agency or a previous employer (for example a P60 or P45)

### **What is a 'statutory excuse'?**

A 'statutory excuse' protects a business from a potential civil penalty being imposed on the company for employing workers illegally. Companies can obtain a statutory excuse by simply checking their employees' documents that demonstrate they are allowed to work in the UK

### **What is 'indefinite leave to remain'?**

If employees have indefinite leave to remain, it means they have no restrictions on their ability to work in the UK. However employers should still request to see their documents confirming their status as detailed in List A for preventing illegal working. Note that an ILR stamp in an expired passport will no longer be accepted, but instead employers should give the employee any opportunity to provide an updated document (for example, a [biometric residence permit](#)).

### **I am unsure whether I have the right to work in the UK, where can I get further advice?**

The following titles are hyperlinks, simply left click on them to view the linked website. Please note that the Students' Union does not accept responsibility for the content of external websites.

[An Employers Guide to Right to Work Checks](#)

[Check your Own Eligibility to Work](#)

[Contact the International Student Support Centre](#)

[Contact the Students' Union HR Team](#)

### List A

#### Acceptable documents to establish a continuous statutory excuse

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

#### 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 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 where a time-limited statutory excuse lasts 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.