UCL Immigration and Right to Work

A Manager’s Guide to Acceptable Right to Work Documents

Introduction

The purpose of this guide is to provide guidance on documents that are acceptable by an employer conducting right to work checks. Valid documents were updated by the Home Office in May 2014. It explains:

- Images of the various documents you could be given
- The various types of immigration statuses held by people

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1. Right to Work Document Checks

1.1 Under UCL’s Recruitment and Selection Policy it is the department’s responsibility to check and photocopy each candidate’s right to work at interview. Checking right to work documentation is also required for ‘As and When’ workers and honorary staff working at UCL.

1.2 This section explains the document checks you must carry out to find out if a person has both the right to work in the UK and the right to carry out the type of working you are offering. This is a straightforward 3 step process that forms part of UCL’s recruitment and employment practices. Please note the additional documentation requirements for students.

1.3 See Appendix A for more detailed information about the 3 step process and Appendix B for examples of acceptable documents.
Obtain
Obtain original versions of one or more acceptable documents.

Check
Check the document's validity in the presence of the holder.

Copy
Make and retain a clear copy, and record the date the check was made.
1.4 UCL will not have a statutory excuse against liability for penalties if:

- You cannot provide a record of having conducted the document checks before recruitment; or
- You have accepted a document, which clearly does not belong to the holder; or
- You have conducted a check and it is ‘reasonably apparent’ that the document is false; or
- You have accepted a document that clearly shows that the person does not have permission to work in the UK and/or carry out the type of work being offered.

1.5 The Home Office considers falseness of documents to be reasonably apparent if an individual, who is untrained in the identification of false documents, examining it carefully but briefly, and without the use of technological aids, could reasonably be expected to realise the document in question is not genuine.

1.6 If someone gives you a false document or a genuine document that does not belong to them, then you should report the individual to HR who will contact UK Visas and Immigration (UKVI).

1.7 After checking Right to Work documents at interview, you are required to photocopy them and email copies of the successful candidate's documents to HR Employment Contract Administration. Please state ‘I confirm have seen the original document’ and then sign and date the first page of each copied document. Both dating and signing these documents is a mandatory Home Office requirement and is taken as confirmation that you have seen and thoroughly checked the documents. It is not, however, necessary to sign and date every page of each document.

1.8 Once all copies have been sent to HR ECA, please securely destroy copies of identification documents that you hold for the other candidates. You must also delete any identification documents for the appointed candidate that you may have emailed and ensure that you empty your deleted items folder. Any identification documents sent by email should be password protected and the password emailed separately. Please see the UCL Secure Data Disposal Guidelines for advice on how to securely destroy data.

1.9 There are legal requirements to keep documents relating to both the recruitment process as well as the attendance of anyone who has a Certificate of Sponsorship issued. For further guidance, please visit the Right to Work page on the UCL HR website.
2. Verifying Right to Work in the UK

2.1 There are certain circumstances when UKVI require additional confirmation that a person has the right to work in the UK. Please contact your ECA Supervisor who will undertake the additional checks via the Employer Checking Service if the employee or applicant has:

- An outstanding application or appeal with the Home Office which was made at the correct time;
- Presented an Application Registration Card (ARC) which states that the holder is allowed to work; or
- Presented a Certificate of Application issued to or for a family member of an EEA or Swiss national which states that the holder is allowed to work.

2.2 A person in the above categories may only commence work once UCL have received a Positive Verification Notice from the Employer Checking Service.

3. Acceptable Documents for Proving the Right to Work

**Validity of Passports**

3.1 It is crucial that you check that the stamp or endorsement continues to allow the person to work by virtue of their status (i.e. their stay is indefinite) or the date of the end of their permitted stay has not expired. A Biometric Residence Permit must not have expired to be considered acceptable evidence of right to work.

3.2 You may not accept an expired passport unless it is a UK passport or a passport issued by a member state of the European Economic Area. Expired passports issued by any other country are not acceptable, even if they purport to contain older immigration stamps conferring indefinite leave to enter or remain. A valid visa is only acceptable in a current (not expired) passport. This is to strengthen protection against the use of forged documents by illegal workers.

3.3 If you have to rely solely on an expired passport or travel document to show you that a person has the right to remain and work in the UK, the you must take particular care when examining photographs and comparing these with the current appearance of the person presenting them. Also, you should note the date of birth on the expired document and satisfy yourself that this is consistent with the current appearance of the holder.

**What if someone does not have the Right to Work?**

3.4 If someone does not have the right to work before commencing employment they will need to be considered for a Certificate of Sponsorship (CoS). Please contact HR
Employment Contract Administration for help and support on Certificates of Sponsorship.

3.5 It is imperative that any extensions to CoS are undertaken in a timely manner to ensure continued employment. Contracts will be terminated immediately if permission to work expires, unless the individual can demonstrate they have submitted an application to extend further leave to remain with the Home Office prior to the expiry date and this is in active consideration (and the HR Employment Contract Administration team can verify this from the Home Office Employer Checking Service.)

Repeat Checks

3.6 A follow-up check is only required at the point of the expiry date on the right to work documentation. The exception to this is where a Certificate of Application or an Application Registration Card (See List B, Group 2) is presented as evidence of the right to work or the employee has no acceptable documents because they have an outstanding application to the Home Office or appeal against an immigration decision. For this group of people a follow-up verification check is required at 6 months.

Expiry of Right to Work

3.7 Prior to expiry of an individual’s right to work, UCL HR will contact the employee, copied to the Departmental Administrator. Evidence (i.e. a copy of the application) must be emailed or posted to HR ECA confirming one of the following:

- A request to extend the Certificate of Sponsorship has been submitted; or
- They have submitted an application for extension of a visa that will allow them to continue paid work; or
- They have submitted an application for permanent leave to remain; or
- They have been granted permanent leave to remain.

3.8 When permanent leave to remain is granted, a certified copy must be submitted to HR ECA.

3.9 If none of the above are confirmed, prior to the expiry date of the right to work, the employee’s position will be terminated with immediate effect as it is a criminal offence to employ people without the right to work.

4. Checking Right to Work for Form 7 (Non-UCL Employee) Payments

4.1 Departments must check and copy right to work documentation for individuals who are invited to undertake a short-term one-off duty before they perform work. You are not required to forward the copied documentation to HR, however, you must
securely store this information in the department and keep this for 24 months after the worker’s engagement for audit purposes.
5. Checking Right to Work for Student Visas (Tier 4)

5.1 Tier 4 students studying in a Higher Education Institution (HEI), at degree level or above, will be permitted to work up to 20 hours per week during term time and full time during the university vacation.

5.2 Taught and research postgraduate students at UCL do not have a university vacation and therefore Tier 4 students cannot work over 20 hours per week at any point throughout the year.

5.3 Previously UCL monitored hours worked on a Sunday to Saturday period, however following changes to legislation, from 6 April 2017 'week' is now defined in Immigration Rules as “a period of seven days beginning with a Monday”.

5.4 Students studying at a publicly funded Further Education (FE) Institution, or HEI at below degree level, will be permitted to work up to 10 hours per week during term time and full time during the college vacation. No other students are permitted to work.

5.5 It is the department's responsibility to ensure that students are not allocated more hours than they are permitted to work. Departments should keep an up-to-date record of all allocated hours and should check with the student that they have not undertaken any additional work elsewhere during the relevant period to ensure the maximum hours are not exceeded.

5.6 Please note that for international students there is a requirement to obtain and retain academic term and vacation dates alongside the other document checks which must be obtained and retained annually. Please state in writing which establishment the student is studying at when submitting the right to work documentation for an international student to aid the annual checking process. A template for use is available here.

5.7 Some student visas read 'limited leave to remain. No work without permission of the secretary of state.' This is the same wording as people requiring work permits / certificates of sponsorship. This visa is acceptable without an additional letter from the Home Office for students to work up to 20 hours during term time and full time in holidays as long as we know they are students.
Appendix A: The Three-Step Check

**Step 1: Obtain**

You must obtain original documents from either List A or List B of acceptable documents at Appendix B.

**Step 2 Check**

You must check that they are genuine, that the person presenting them is the prospective employee or employee, the rightful holder and allowed to do the type of work you are offering. You must check:

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. Any work restrictions to determine if they are allowed to do the type of work on offer (for students who have limited permission to work during term-times, 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);
4. The documents are genuine, have not been tampered with and belong to the holder; and
5. 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.

**Step 3 Copy**

You must make 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 retain a record of the date on which you made the check.

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.
Appendix B: Right to Work Documents

List A: Documents that show an ongoing right to work in the UK

Any of the documents, or combination of documents, described in List A below show that the holder has an ongoing right to work in the UK. They will provide you with an excuse for the duration of that person’s employment with you if you correctly follow the Three-Step Check set out in Appendix A.

<table>
<thead>
<tr>
<th>1</th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A person with the right of abode in the UK has the right to live and work here without restriction. A passport stating that the holder is a ‘citizen of the United Kingdom and Colonies’ will only be acceptable if it includes the words: ‘holder has the right of abode in the United Kingdom.’</td>
</tr>
</tbody>
</table>

Only the following passports are acceptable as proof of this:
Other Proof of Right to Abode

Some people may use a foreign passport but still be entitled to right of abode in the UK. You can check whether someone has the right of abode by looking for the stickers below in their national passport. From 24th June 2008, the document below right has been issued to those people who apply for a Certificate of Entitlement to the Right of Abode in the UK. Please note that the Certificate of Entitlement of Right of Abode must be in a valid passport.

<table>
<thead>
<tr>
<th>2</th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The majority of nationals from EEA countries and Switzerland are free to live and work in the UK. However, special controls on access to the UK labour market apply to Croatian nationals.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3</th>
<th>A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>For nationals from EEA countries, this document consists of a blue permit carrying a photograph and personal details of the holder. Nationals from EEA countries can obtain a residence permit from us. Swiss nationals receive a similar document in the form of a pink residence permit. Examples are shown below.</td>
</tr>
<tr>
<td></td>
<td>Description</td>
</tr>
<tr>
<td>---</td>
<td>-----------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>4</td>
<td>A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland. When nationals from EEA countries and Switzerland reside in the UK, their immediate family members from outside the EEA or Switzerland may gain the same rights to enter or remain, and work here freely. However, the EEA national in question must be lawfully residing in the UK for their family member to have and maintain these rights.</td>
</tr>
<tr>
<td>5</td>
<td>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. You must not accept an expired Biometric Residence Permit as evidence of right to work. These documents have a maximum validity of 10 years for over 16 year olds, and 5 years for under 16's.</td>
</tr>
<tr>
<td>6</td>
<td>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.</td>
</tr>
</tbody>
</table>
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.

A valid Immigration Status Document contains a UK Residence Permit endorsement. It also has a section providing further details of the holder’s status and personal details. You should note that these have been replaced by Biometric Residence Permits since 2012 and they will be issued within the UK to anyone from outside the EEA granted leave for more than six months. There will however still be Immigration Status Documents in circulation.
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.

You must only accept the original of a full UK birth or adoption certificate, which must include the names of the holder and at least one of their parents. In some cases, a full birth certificate will only provide details of one of the holder’s parents, and this will also be acceptable as part of your excuse. Short birth certificates which do not have details of either of the holder’s parents will not give you this part of your excuse.
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.

Nationals from the Channel Islands, the Isle of Man and Ireland (the Common Travel Area) have no immigration restrictions placed on the type of employment they can take in the UK.
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.

You should check that the A4 certificates describe the holder as a British citizen as indicated below.
List B, Group 1: Documents where a Time-Limited Statutory Excuse Lasts until the Expiry Date of Leave

Any of the documents or combination of documents in List B (Group 1) below show that a person is allowed to work in the UK for a limited period of time. They will provide you with an excuse until the expiry of the date of leave if you correctly follow the 3 step process as set out in Appendix A. Repeat checks are necessary when the document expires if you are to retain your excuse against a penalty.
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.

Nationals from outside the European Economic Area (the EEA) who are subject to immigration control and who have been given current leave to work here will be able to prove this by producing a UK Government stamp or endorsement in their national passport or travel document. When we grant a person limited leave to enter or remain we may place restrictions on the type of work a person can do here, and, or the hours they can work for, depending on their immigration status.

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.

The Biometric Residence Permit (BRP) is a residence permit which holds a migrant’s biographic details (name, date and place of birth) and biometric information (facial image and fingerprints), and shows their immigration status and entitlements while they remain in the UK. BRPs issued to those with Limited Leave to Remain clearly show whether there are any work conditions or restrictions.
| 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. Example images are shown below. |

| 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. The document contains a UK Residence Permit endorsement which clearly states what permission to remain in the UK the holder has, whether the individual is free to work in the UK and whether their right to work is subject to any conditions. Immigration Status. Documents have been replaced by Biometric Residence Permits since 2012 and are issued within the UK to anyone from outside the EEA granted leave for more than six months. There are, however, still Immigration Status Documents in circulation. |
List B, Group 2 Documents where a time-limited statutory excuse lasts for 6 months

1. A Certificate of Application which is less than 6 months old issued by the Home Office to or for a family member of a national of an EEA country or Switzerland stating that the holder is allowed to take employment together with a positive verification letter from the Home Office’s Employer Checking Service.

Family members of nationals from EEA countries and Switzerland may apply for residence documents, such as a residence card, which show right to work in the UK. Under European law, many are also allowed to work whilst these applications are under consideration and before residence documents have been issued by us. We will provide such applicants with an initial letter of acknowledgment. A Certificate of Application will only give you an excuse if less than 6 months old and you carry out a check with our Employer Checking Service and receive positive confirmation of the person’s right to work in response. Example images are below.
<table>
<thead>
<tr>
<th>2</th>
<th>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.</th>
</tr>
</thead>
</table>

You should be aware that some asylum seekers or failed asylum seekers may have restrictions on the type of work they can carry out and, or the amount of hours they can work. If an asylum seeker gives you an ARC stating that work is restricted then you should make sure that you do not employ them in breach of these restrictions as you may be liable for a civil penalty. You can find out more in the section on ‘Employing asylum seekers, refugees and those granted humanitarian protection’. An ARC will only give you an excuse if you carry out a check with our Employer Checking Service and receive positive confirmation of the person’s right to work in response. Example images are below.
<table>
<thead>
<tr>
<th></th>
<th><strong>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.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>HR to send a verification request to the Employer Checking Service.</strong></td>
</tr>
</tbody>
</table>
Official Documents Issued by a Previous Employer or Government Agency

A P45, P60, National Insurance number card, or a letter from a Government agency are acceptable evidence of a person’s National Insurance number. A Government agency could include, for example, HM Revenue and Customs, the Department for Work and Pensions, or the Jobcentre Plus.

From 2011, the Department for Work and Pensions stopped issuing National Insurance cards, which have been replaced by a letter. However, National Insurance cards issued prior to 2011 have been issued and are acceptable evidence of National Insurance.
You should note that the requirement for a properly documented National Insurance number will only provide a statutory excuse when given to you in combination with one of the acceptable documents specified in List A or List B.

You should not accept a National Insurance number on its own in any format as this does not provide acceptable evidence of right to work in the UK.

**UK Immigration Documents, Stamps, and Endorsements**

This section explains and provides images of the immigration stamps and endorsements that UK Visas and Immigration place in a person’s passport or travel document when they are from outside the European Economic Area (EEA). Biometric Residence Permits are now issued to all non-EEA nationals in the UK for more than six months. Some older documents, however, may still be in circulation and this section of the guide will help you understand what you need to check to ensure that the person in question is allowed to do the type of work you are offering.

Immigration officers working at points of entry into the UK do continue to use a variety of wet ink endorsements, examples of which are provided below.

Any non-EEA national who has the following endorsements in their passport is not allowed to work in the UK. You may be required to pay a civil penalty and may commit the criminal offence of having reasonable belief of or knowingly employing an illegal worker if you employ a person on the basis of any of the pictured stamps in their passports.
UK Residence Permit (replaced by Biometric Residence Permit)

The UK Residence Permit was a form of endorsement introduced in 2003 that has been replaced by the Biometric Residence Permit. It was used to endorse passports and other travel documents belonging to nationals from outside the EEA, and also placed on Home Office Immigration Status Documents to show that a person has been granted leave to
enter or remain in the UK. The UK Residence Permit replaced most of the ink stamps used, however, you may still find ink stamps in documents in circulation.

The UK Residence Permit was issued to nationals not intending to stay in the UK for longer than six months. It was not issued to any non-EEA nationals who were required to obtain a visa or entry clearance to enter the UK before they travel here.

The UK Residence Permit contains a number of security features, which are highlighted below to help you recognise and identify what they look like.
Indefinite Leave to Enter or Remain, or no Time Limit on a Person's Stay in the UK

Any individual who is granted Indefinite Leave to Enter or Remain in the UK, or who has no time limit on their stay here, may stay and work in the UK for as long as they like. There are no immigration restrictions placed on the type of work they can do.

The UK began endorsing passports, or Immigration Status Documents with the UK Residence Permit from December 2003 to show that the holder has Indefinite Leave to Enter or Remain.

You may also see the following endorsements that show a person has this status. These endorsements are being phased out, but when checked, will still give you an excuse if they are given to you in a passport by the holder.
The holders of travel documents who have been granted Indefinite Leave to Enter or Remain here may have a green vignette in their original passport, or a printed endorsement in their current travel document stating ‘There is no time limit on the holder’s stay in the United Kingdom’.

**Limited Leave to Remain Granted with No Restrictions on Employment**

Qualified people and their dependents who meet certain immigration requires can be granted leave to enter or remain in the UK for a limited period of time without being subject to work conditions. You will be able to employ anyone with this status if the date shown on their passport endorsement or stamp has not expired. There are no immigration restrictions placed on the type of work they can do. You should still carry out the appropriate document checks to have the excuse.

**Visas and Entry Clearance Certificates**

Nationals from certain countries are required to obtain a visa or entry clearance certificate from a British embassy prior to travelling to the UK.