

Right to Work in the UK Guidance Notes:

Sections 15 - 25 of the Immigration, Asylum and Nationality Act 2006 requires all employers in the United Kingdom (UK) to make basic document checks on every person they intend to employ to verify their right to work. By making these checks, we can be sure that we are not breaking the law by employing illegal workers. These provisions came into force on 29 February 2008 and replace the Asylum and Immigration Act 1996.

Nationals from the European Economic Area (EEA) countries and Switzerland can enter and work in the UK without needing to apply under the UK points based system (with the exception of Croatia*).

Nationals from all EEA countries and Switzerland will be requested to produce an official document showing their nationality. This will usually be either a national passport or a biometric residence permit issued by the Home Office which confirms their right to reside and work in the UK. All of these documents are included in **List A (appendix A) and must be checked, copied and certified as a true copy of the original.**

From 01 January 2014, Romanian and Bulgarian nationals who wish to work in the UK are no longer required to obtain prior authorisation from the Home Office. They no longer need an accession worker card or registration certificate as evidence of permission to work or of their right to reside as a worker.

The following countries are part of the European Economic Area (EEA)

Austria	Hungary	Portugal
Belgium	Iceland	Romania
Bulgaria	Irish republic	Slovakia
Croatia*	Italy	Slovenia
Cyprus	Latvia	Spain
Czech Republic	Liechtenstein	Sweden
Denmark	Lithuania	United Kingdom
Estonia	Luxembourg	
Finland	Malta	
France	Netherlands	
Germany	Norway	
Greece	Poland	

Croatia*

On 1 July 2013, Croatia joined the EU and also became part of the EEA. Croatian nationals are able to enter and reside (but not work) without restrictions in the UK for up to 3 months. Croatian nationals will only be able to obtain permission to work in skilled positions under Tier 1 (Exceptional Talent), Tier 2 or Tier 5 of the points based system. If a Certificate of Sponsorship is issued under Tier 2 an application for an accession worker registration document must be obtained prior to commencement of employment.

Full rights to the UK labour market is automatically gained following continuous employment in the UK for 12 months at which point no further sponsorship is required.

An application for an accession worker registration document to confirm right to live and work in the UK can be made, however this is not mandatory.

Right to Work Checks

In order to check entitlement to work in the UK, candidates are required to produce original documents required from either List A (Appendix A) or List B (Appendix B). Under regulations that came into force on 16 May 2014, expired passports cannot be accepted unless it is a UK passport or a passport issued by a member state of the EEA. Expired passports issued by any other country are not acceptable, even if it contains an older immigration stamp conferring indefinite leave to remain or enter.

If these checks establish that the candidate is not permitted to work in the UK, then we must refuse them employment.

Verifying Right to Work in the UK

There are specific cases where we may need to use the Home Office's Employers Checking Service to verify documents presented. The role of the Employers Checking Service is to verify a person's right to work in the UK where an individual has:

- an outstanding application or appeal which was made at the correct time;
- presented an Application Registration Card (ARC) which states 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.

We must notify applicants and gain their consent prior to using this Service.

For further information please refer to <https://www.gov.uk/government/organisations/uk-visas-and-immigration> or contact employment-bureau@anglia.ac.uk.

APPENDIX A

LIST A (Documents which show an ongoing right to work in the UK)

You need to provide any one of the following original documents

- a passport showing that 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 an EEA country or Switzerland.
- a Registration certificate or document certifying permanent residence issued by the Home Office to a national of an EEA country or Switzerland.
- a permanent residence card issued by the Home Office to the family member of a national of a EEA country or Switzerland.
- a **current** biometric immigration Document (Biometric Residence Permit) issued by the Home Office 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 **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 limited stay in the UK;
- 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 previous employer.
- 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 previous employer
- 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 previous employer
- 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 previous employer

APPENDIX B

LIST B (Documents which show the holder is allowed to work in the UK for a limited period of time)

Group 1

- a **current** passport endorsed to show that the holder is allowed to stay in the UK and is allowed to do that type of work in question.
- a **current** Biometric Immigration Document (Biometric Residence Permit) residence permit issued by the Home Office to the holder which indicates that the named person can stay in the UK and is allowed to do the work in question.
- a **current** Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-EEA national who is a family member of a national of an EEA country or Switzerland or who has a derivative right of residence
- 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

- 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 an EEA 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 a work permit or other approval to take employment issued by the Home Office.
- 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 Checking Service
- 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.

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 to demonstrate a person's National Insurance number. A Government agency can include for example HM Revenue and Customs (formerly the Inland Revenue), the Department for Work and Pensions, Jobcentre Plus, the Training and Employment Agency (Northern Ireland) or the Northern Ireland Social Security Agency.

From July 2011 HM Revenue & Customs stopped issuing National Insurance number cards to adults (mainly foreign nationals), this has been replaced with a letter that will be issued by the Department for Work and Pensions. From October 2011 HM Revenue & Customs stopped issuing National Insurance number cards to Juveniles (young people)

and now issue a letter. However, there will still be National Insurance cards in circulation for those individuals who received cards prior to July/October 2011.