

Immigration & Asylum

A guide for recruiters and candidates

Employers in the UK have a responsibility to ensure that they take the necessary action to ensure their employees are eligible to work. This should be done through the recruitment process but also through employment, where the status during recruitment is subject to change in the future. Where an employer does not take adequate steps, they will be at risk of employing those who are not eligible work and as a result can face significant fines.

Determining Eligibility to Work

In order to determine if a recruitment candidate or current employee are eligible to work in the UK, appropriate documentation must be checked. This is important, even where the person claims to have been resident in the UK since birth. The documents that must be checked are very specific, and are outlined by the Border Agency. These include a sample of documents from two categories or lists, and when checked, these documents must be original.

Document Lists (Categories)

The combinations of documents required to determine a candidate's eligibility to work include;

- One original documents alone, or two of the original documents in the specified combinations given in List A

OR

- One original documents alone, or two of the original documents in the specified combinations given in List B

List A – Documents proving an ongoing right to work in the UK

- 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 UK.
- A passport or national identity card showing that the holder is a national of the European Economic Area (EEA) or Switzerland.
- A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office or the UK Border Agency to a national of an EEA country or Switzerland.
- A permanent residence card issued by the Home Office or the UK Border Agency to the family member of a national of an EEA country or Switzerland.
- A Biometric Immigration Document 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 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, **when produced in combination 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 full birth certificate issued in the UK which includes the name(s) of at least one of the holder's parents, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government's agency or a previous employer.
- A full adoption certificate issued in the UK which includes the names(s) of at least one of the holder's adoptive parents **when produced in combination 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 birth certificate issued in the Channel Islands, the Isle of Man or Ireland, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
- An adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **when produced in combination 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 certificate of registration or naturalisation as a British citizen, **when produced in combination 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 letter issued by the Home Office or the UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the UK **when produced in combination 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 – Documents which prove a right to work for up to 12 months

- A passport or travel document endorsed to show that the holder is allowed to stay in the UK and is allowed to do the type of work in question, provided that it does not require the issue of a work permit.
- A Biometric Immigration Document 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 work in question.
- A work permit or other approval to take employment issued by the Home Office or the UK Border Agency **when produced in combination with** either a passport or other travel document endorsed to show the holder is allowed to stay in the UK and is allowed to do the work in question, or a letter issued by the Home Office or the UK Border Agency to the holder or the employer or the prospective employer confirming the same.
- A certificate of application issued by the Home Office or the UK Border Agency to or for a family of a national of a EEA country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old **when produced in combination with** evidence of verification by the UK Border Agency Employer Checking Service.
- A residence card or document issued by the Home Office or the UK Border Agency to a family member of a national of an EEA country or Switzerland.
- An Application Registration Card issued by the Home Office or the UK Border Agency stating that the holder is permitted to take employment **when produced in combination with** evidence of verification by the UK Border Agency Employer Checking Service.
- An Immigration Status Document issued by the Home Office of the UK Border Agency to the holder with an endorsement indicating that the person named in it can stay in the UK, and is allowed to do the type of work in question, **when produced in combination 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 letter issued by the Home Office or the UK Border Agency to the holder or the employer or prospective employer, which indicates that the person named in it can stay in the UK and is allowed to do the work in question when produced in combination with an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.

Rechecking Eligibility to Work

Often the eligibility to work will be time limited, such as a visa requiring renewal or a change in status being required. For these reasons, it will be required for such eligibility to be 'rechecked' at the appropriate time, usually in advance of the expiry date. This will normally be done through the manager but may be the result of a Human Resources Audit. It is important to take copies of the relevant information / evidence, sign and date these, and send a copy of this to the Resourcing Team in order to hold this on the employee's personal record.

Worker Registration Scheme

On the 30 April 2011 the Worker Registration Scheme closed so nationals of the 'A8' countries (who joined the European Union in 2004), including; Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia are no longer required to register their employment as a condition of working legally in the United Kingdom. Therefore, they will be able to work and reside in the United Kingdom on the same basis as nationals from other EU states.

However, Bulgarian and Romanian nationals will still need to obtain authorisation to work before starting any employment, normally in the form of a registration certificate, unless they are exempt from doing so. Further details can be found on the UK Border Agency website;

<http://www.ukba.homeoffice.gov.uk/workingintheuk/eea/bulgariaromania/>

Work Permits

Warwickshire County Council is able to offer sponsorship for those in need of Work Permits. Should you require further information please contact the Resourcing Team.

We are here to help

Further information and assistance can be obtained by contacting us; Resourcing Team, Shire Hall, Market Place, Warwick, CV34 4RL. Email: recruitment@warwickshire.gov.uk or Tel.: 01926 418125