

## INTRODUCTION

The prevention of illegal migrant working in the UK is governed by sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006.

## PROOF OF RIGHT TO WORK IN THE UK

The Home Office, via the UK Border Agency, have compiled a list of documents, which prove that someone has the RTW in the UK. Documents will fall into either List 1 or List 2.

### An employee will need to provide;

#### LIST 1

Any **one** of the documents included below in **List 1** will provide you with the defence if you check and copy them.

- A passport showing that the holder is a British citizen or has a right of abode in the United Kingdom.
- A document showing that the holder is a national of a European Economic Area country or Switzerland. This must be a national passport or national identity card.
- A residence permit issued by the Home Office to a national from a European Economic Area country or Switzerland.
- A passport or other document issued by the Home Office which has an endorsement stating that the holder has a current right of residence in the United Kingdom as the family member of a national from a European Economic Area country or Switzerland who is resident in the United Kingdom.
- A passport or other travel document endorsed to show that the holder can stay indefinitely in the United Kingdom or has no time limit on their stay.
- A passport or other travel document endorsed to show that the holder can stay in the United Kingdom; and that this endorsement allows the holder to do the type of work you are offering if they do not have a work permit.
- An Application Registration Card issued by the Home Office to an asylum seeker stating that the holder is permitted to take employment.

If they cannot produce a document from List A then relevant document(s) from **List 2** must be produced.

#### LIST 2

#### Documents that provide the defence if produced in combination.

**List 2** covers the combinations of documents.

**These documents need to be presented in combination and cannot be accepted alone.**

#### First Combination (A + ANY ONE FROM B-H)

**A** A document giving the person's permanent National Insurance Number and name. This could be a: P45, P60, National Insurance card, or a letter from a Government agency.

**Along with checking and copying a document giving the person's National Insurance Number, you must also check and copy only one of the following documents listed in section B-H:**

**B** a full birth certificate issued in the United Kingdom, which includes the names of the holder's parents, OR

**C** a birth certificate issued in the Channel Islands, the Isle of Man or Ireland, OR

**D** a certificate of registration or naturalization stating that the holder is a British citizen, OR

**E** a letter issued by the Home Office to the holder which indicates that the person named in it can stay indefinitely in the United Kingdom, or has no time limit on their stay, OR

**F** an Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the person named in it can stay indefinitely in the United Kingdom, or has no time limit on their stay, OR

**G** a letter issued by the Home Office to the holder which indicates that the person named in it can stay in the United Kingdom, **and** this allows them to do the type of work you are offering, OR

**H** an Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the person named in it can stay in the United Kingdom, **and** this allows them to do the type of work you are offering.

#### Second Combination (A + B or C)

**A** A work permit or other approval to take employment that has been issued by Work Permits UK.

**Along with a document issued by Work Permits UK, you should also check and copy one of the following documents listed at B-C:**

**B** a passport or other travel document endorsed to show that the holder is able to stay in the United Kingdom and can take the work permit employment in question; OR

C a letter issued by the Home Office to the holder confirming that the person named in it is able to stay in the United Kingdom and can take the work permit employment in question.

These documents show an RTW in the UK for up to twelve months. These must be original copies, photocopies, scanned documents and faxes for example are not acceptable. Proof of RTW in the UK must be provided when the application is made in respect of new applicants. In respect of renewal applicants, proof should be provided on the application also, but if proof cannot be provided at that time the PCS will allow the application to be made, but no Position will be granted until the proof has been provided.

A copy of the relevant page(s) of the documents provided will be retained in a format that cannot subsequently be altered, for example, a photocopy or a scanned document. In the case of a passport or other travel document, the following parts must be photocopied or scanned: -

The document's front cover and any page containing the holder's personal details. In particular, any page will be copied that provides details of nationality, his or her photograph, date of birth, signature date of expiry or biometric details, and any page containing UK Government endorsements indicating that the holder has an entitlement to be in the UK and is entitled to undertake the work in question. Other documents will be copied in their entirety. Any documents will be kept securely for the duration of the license and for a further two years from the date of employment if renewal is not sought. This is in line with legislation that requires employers to retain copies of documents relating to individuals they have employed.

If further verification is required, this will be specified in a letter detailing the exact requirements.

#### THE FAIR WAY TO CHECK

It is illegal to discriminate on grounds of race, colour, ethnic or national origin, or nationality. No presumptions about a person's RTW in the UK will be made based on a person's background, appearance, or accent. Each applicant will be required to comply with the RTW Policy and provide the necessary documentation.

#### REPORTING OF ILLEGAL WORKERS TO THE RELEVANT AUTHORITIES

If PCS has any concerns that an employee has been working in the UK illegally then this information will be reported to the Home Office, Border and Immigration Agency and UK Border Agency.

#### FURTHER INFORMATION

Further information about working in the UK, legislation, and advice to employers can be found on the Home Office website.

#### RESPONSIBILITIES

It is the responsibility of the Recruitment Manager to ensure this policy is followed at each recruitment.

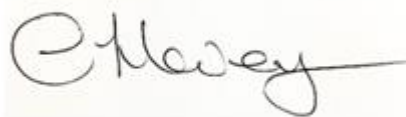
It is the responsibility of the Contract Managers to ensure operatives invited to interview are aware documents will be required for employment.

It is the responsibility of the Compliance Manager to ensure this policy remains up to date with current legislation and requirements.

#### DATES

This Policy was last revised: 31<sup>st</sup> January 2023

The next revision will be 1<sup>st</sup> February 2024



Director



ISO 9001  
ISO 14001  
ISO 45001

