

## **Eligibility to work in the UK**

We are committed to equality of opportunity in recruitment, selection and employment practices. To prevent discrimination it is important that we treat all applicants in the same way and we verify that the eligibility of all new staff to work in the UK in accordance with the procedures listed below.

Employing workers who are not eligible to work in the UK is a criminal offence that carries substantial financial penalties.

Some people are automatically entitled to work in the UK. Others may have restrictions on whether they can work, how long they can stay and the type of work they can do.

Work permits are required to employ people who are not nationals of a European Economic Area (EEA) country and are not entitled to work in the UK.

No employee should start work until we have verified their eligibility to work in the UK, and we have obtained a work permit, if appropriate.

### **Who does not need permission to work?**

The main groups not subject to immigration control and who we can employ without restriction are:

- British citizens
- Commonwealth citizens with the right of abode in the UK
- European Economic Area (EEA) and Swiss nationals – although some will need to register with the Home Office. (It is important to contact the Home Office to establish whether a potential employee comes from one of the permitted countries in the UK.)
- Family members of nationals from EEA countries and Switzerland, providing that the EEA national is residing lawfully in the UK.

### **Individuals eligible to work in the UK**

#### **Individuals with restricted eligibility to work in the UK**

##### **International students over the age of 16:**

- can take part-time work for up to 20 hours per week during term time or take full-time vacation work
- can undertake a work placement which is part of their course with their education institute's agreement
- should not pursue a career by filling a permanent, full-time vacancy

- must provide evidence that they are studying on a course lasting over six months, and have a valid passport stamp.

## **Working Holidaymakers**

- are Commonwealth citizens aged 17 to 27 who can come to the UK for up to two years as working holidaymakers
- may only take employment that is 'incidental' to their stay and which the Home Office defines as casual or part-time work
- can only work for up to one year on a full-time basis
- are prohibited from pursuing a career, providing a service or engaging in business
- must have a Working Holidaymaker visa (passport stamp) to come under this category.

## **Highly skilled migrants**

- The Home Office has a [Highly Skilled Migrant Programme](#), which allows highly skilled workers to seek entry to work in the United Kingdom without having a prior offer of employment.
- The programme is designed for those who wish to seek work or self-employment in the UK on an individual, flexible basis, and who are at the top of their chosen profession.
- Highly Skilled Migrants must have made a successful application to the Home Office and have the appropriate visa and support documents to verify this.
- Successful applicants can work for up to 12 months and may apply for a three- year extension.

## **Procedures: verifying eligibility to work in the UK**

In line with the Immigration and Asylum Act, recruiting panels/administrators must verify potential employees' rights to work in the UK. This includes temporary and casual employees.

Managers or administrators responsible for recruitment and selection will need to obtain proof of the employee's eligibility to work in the UK before they start work or no later than the first day of employment. Managers or administrators must keep copies of these documents on departmental records, and for a minimum of three years after the employee has ceased working for Knowsley Disability Concern.

### **Step 1: requesting proof of eligibility to work in the UK**

You should ask all your potential employees to provide either:

- one of the original documents included in list 1 or,
- two of the original documents included in list 2 and list 3 (for work permit holders).

## **Step 2: verifying the documents and the employee**

You should satisfy yourself that the (potential) employee is the rightful holder of the documents they present to you and that the documents allow them to do the type of work you are offering them.

To fulfil this legal obligation, you should check:

- photographs, to ensure that they are consistent with the appearance of the (potential)employee
- date of birth, to ensure that it is consistent with the appearance of the (potential)employee
- expiry dates (passports, visas), to ensure they have not passed
- UK Visa stamps/endorsements, to ensure the (potential) employee is able to do the type of work you are offering them.

**NB** If the (potential) employee gives you two documents from list 2 which have different names, you should ask them to provide a further document (marriage certificate, divorce document, deed poll, adoption certificate or statutory declaration) to explain the reason for the different names.

## **Step 3: keeping records of the documents**

You should photocopy all the documents and sign the copies to verify that steps 1 and 2 above have been followed. Photocopies should include:

- the front cover
- all the pages which give the (potential) employee's personal details, including photograph and signature
- any visa/endorsement which allows the (potential) employee to do the type of work they have been offered.

Information on [passport endorsements and visa stamps](#) can be found on the [Immigration and Nationality Directorate](#) website.

Seek advice from the relevant employment law advisors immediately if you have any questions concerning the documents produced by new/future employees verifying their right to work in the UK.

## **Documents which constitute legal proof of eligibility to work in the UK**

In addition to the lists below, full-time students will also need to provide evidence from their educational institute that they are currently undertaking full-time education.

### **List 1**

Any one of these documents will provide proof that the (potential) employee is eligible to work in the UK. Once you have checked any one of these documents from your (potential) employee, you do not need to ask for further documents contained in list 2.

- 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 from a European Economic Area (EEA) 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 an EEA country or Switzerland.
- A passport or other document, issued by the Home Office and 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 an EEA country or Switzerland who is resident in the UK.
- A passport or other travel document endorsed to show that the holder can stay indefinitely in the UK or has no time limit on their stay.
- A passport or other travel document endorsed to show that the holder can stay in the UK, 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.

## List 2

The (potential) employee must provide one of the documents listed in A and one of the documents listed in section B-H.

- A. A document giving the person's permanent National Insurance number and name or a P45, P60, National Insurance card or a letter from a government agency;

and either:

- B. A full birth certificate issued in the UK, 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 naturalisation 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 UK, 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 UK, 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 UK, 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 UK, and this allows them to do the type of work you are offering.

### List 3

The potential employee must provide the document listed in section A, together with one of the documents from section B or C.

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

and

- B. A passport or other travel document endorsed to show that the holder is able to stay in the UK 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 UK and can take the work permit employment in question.

### **Work permits**

If the recruiting panel wishes to employ a candidate who is not eligible to work in the UK, they are required to apply for a work permit. Work permits are issued by the agency [Work Permits \(UK\)](#), part of the Immigration and Nationality Directorate, the Home Office. There are four types of work permit arrangements, which include:

- Business and commercial – these arrangements allow employers to recruit non-EEA nationals to vacancies that may otherwise be filled by a resident worker.
- Training or work experience – this type of work permit is only suitable for recruiting additional staff (not for filling vacancies) to either undertake structured work experience programmes or a work-based training/professional qualification.

## **Charges for work permits**

The UK Borders Agency charges a fee (currently £170) for the consideration of each:

- work permit application
- work permit extension
- change of employment work permit
- work permit appeal.

The valid fee must accompany the work permit application for the case to be considered by UK Borders Agency, who will only accept cheque or credit card payments.

Nationals from the following countries who have ratified the European Social Charter or Council of Europe Charter are exempt from this charge:

Bulgaria	Moldova	Czech Republic	Romania
Cyprus	Poland	Estonia	Slovakia
Hungary	Slovenia	Lithuania	
Latvia	Turkey	Malta	