



YOUR GUIDE TO AN EMPLOYEE'S RIGHT TO WORK



You must check that a job applicant is allowed to work in the UK before you employ them.

1. Steps to take

- 1 **You must see the applicant's original documents.**
Details of which documents can be accepted can be found at www.gov.uk/check-job-applicant-right-to-work
- 2 **You must check that the documents are valid with the applicant present.**
- 3 **You must make and keep copies of the documents and record the date you made the check.**

You must not discriminate against anyone because of their race or religion.

You could face a penalty if you employ an illegal worker and haven't carried out a correct right to work check.

2. Checking the documents

You need to check that:

- The documents are genuine, original and unchanged and belong to the person who has given them to you
- The dates for the applicant's right to work in the UK haven't expired
- Photos on all documents look like the applicant
- Dates of birth are the same across all documents
- The applicant has permission to do the type of work you're offering (including any limit on the number of hours they can work)
- For students, you see evidence of their study and vacation times
- If 2 documents give different names, the applicant has supporting documents showing why they're different, e.g. a marriage certificate or divorce decree

Read the guidance at www.gov.uk/check-job-applicant-right-to-work



3. Further checks

You'll have to make further checks on your PA if they have a limited right to work in the UK. This is done online at: www.gov.uk/legal-right-work-uk

4. Taking a copy of the documents

When you copy the documents:

- Make a copy that can't be changed, e.g. a photocopy
- For passports, copy any page with the expiry date and applicant's details (e.g. nationality, date of birth and photograph) including endorsements, e.g. a work visa
- For biometric residence permits and residence cards (biometric format), copy both sides
- For all other documents you must make a complete copy
- Keep copies during the applicant's employment and for 2 years after they stop working for you
- Record the date the check was made

You must follow data protection law and make sure the information is kept secure, accurate and up to date.

See www.ico.org.uk/for-organisations/guide-to-data-protection

5. If the job applicant can't show their documents

You must ask the Home Office to check your employee's or potential employee's immigration employment status if one of the following applies:

- You're reasonably satisfied that they can't show you their documents because of an outstanding appeal, administrative review or application with the Home Office
- They have an Application Registration Card
- They have a Certificate of Application that is less than 6 months old

Application registration cards and certificates of application must state that the work the employer is offering is permitted.

Many of these documents don't allow the person to work.

Immigration employment status can be checked online at: www.gov.uk/employee-immigration-employment-status

The Home Office will send you a 'Positive Verification Notice' to confirm that the applicant has the right to work. You must keep this document.

Further information can be found at: www.gov.uk/check-job-applicant-right-to-work

