



## **Roles and Responsibilities To Ensure Compliance With Home Office Requirements & The Prevention Of Illegal Working**

Prospective employees will need to present a document or documents from one of two lists. (See Appendix A Proof of Right to Work Checklist). Documents provided from List A establish that the person has an ongoing entitlement to work in the UK. Documents provided from List B establish that the person has restrictions on their entitlement to be in the UK. Please see the HR website under List A and List B Documentation Guide.

The HR Department will be available to advise and assist departments in applying the new rules, however all individuals must be aware of their own responsibility. Key points are detailed below:

### HR Responsibilities

- To ensure that the Immigration, Asylum and Nationality Act 2006 is adhered to for all recruitment including ensuring that proof of eligibility to work in the UK is obtained and verified BEFORE commencement of employment.
- To ensure that a fair recruitment and selection process has been carried out for all positions.
- To liaise with recruiting managers to obtain all necessary documentation and to verify the documentation to ensure that migrants will meet the requirements for entry clearance or leave to remain.
- To make the electronic application for the Certificate of Sponsorship and liaise with the migrant to ensure that entry clearance or leave to remain is obtained.
- To report any non-attendance, non-compliance of Tier 2 & Tier 5 migrants to the Home Office.
- To ensure that documentation is verified on an annual basis for staff with limited leave to remain who commenced work with the College on or after 29<sup>th</sup> February 2008.

### Recruiting Managers/Managers of Migrants

- To ensure that a fair recruitment and selection process has been carried out for all positions.
- To ensure that proof of eligibility to work in the UK has been obtained and verified BEFORE commencement of employment.
- To liaise with Human Resources when a Certificate of Sponsorship needs to be obtained.
- To assist with the application and liaison with the migrant to ensure relevant information is accurate.
- To ensure that all non-attendance, unauthorised absences, or disappearances of Tier 2 & Tier 5 migrants are reported to HR immediately.
- To ensure that resignations or retirements of migrants are reported to HR immediately.

## Migrants

- To ensure that they have provided accurate information in respect of their status to work in the UK and to assist with the provision of documents to the College to ensure that they will meet the requirements for entry clearance or leave to remain.
- To ensure that any change of address or contact details is updated immediately on MyView.
- To ensure that all absence is authorised, including sickness absence
- To ensure that their line manager/Human Resources are informed immediately of their resignation or retirement.
- To ensure that any change in personal circumstances is reported to Human Resources immediately.
- To ensure that any other changes in circumstances relating to their role which may have an impact on their sponsorship status is reported to Human Resources BEFORE any changes are carried out.

***DEPARTMENTS SHOULD NOT ALLOW STAFF TO WORK FOR THEM WITHOUT COMPLYING WITH THESE REQUIREMENTS.***



## PROOF OF RIGHT TO WORK CHECKLIST

Name of employee:

Start date: [Click here to enter a date.](#)

Individual responsible for carrying out the verification:

Department:  Date of verification: [Click here to enter a date.](#)

### STEP 1: ACCEPTABLE DOCUMENTS SHOWING RIGHT TO WORK

You must be provided with one of the single documents or combinations of documents in List A\* **OR** one of the single documents or combinations of documents in List B\* as proof that someone is allowed to work in the UK. Please ensure that you certify the documents you have seen by using the following wording "I certify that this is a copy of the original documentation which I have verified" you will also need to date and sign the copied documents.

Please state which original List A\*  or List B\* document(s)  you have seen? E.g. List A 1 and if this is an initial check before employment  or follow up check on an employee.

*If an individual is unable to present documentation that confirms their right to work in the UK or you are unsure about the validity of the document, please contact the Human Resources Department for advice.*

### STEP 2: CHECK THE VALIDITY OF THE DOCUMENTS

- You must satisfy yourself that the documents are genuine and that the person presenting the documents is both the rightful holder and allowed to do the type of work you are offering. You must take a copy of the documents in a format which cannot later be altered.
- I confirm that:
  - The photographs are consistent with the appearance of the person
  - The date of birth listed is consistent across documents and with the appearance of the person
  - The expiry dates for limited leave to enter or remain in the UK have not passed
  - (For students) I have obtained, copied and attached details of their academic term and vacation times covering the duration of their period of study in the UK for which they are employed
  - The endorsements (e.g. visas) show the person is able to do the type of work you are offering
  - The documents are genuine, have not been tampered with and belong to the holder

*If you have been given documents with different names please ensure that you have you asked for and taken further documents to explain why e.g. a marriage certificate.*

### STEP 3: HOW TO TAKE A COPY OF THE DOCUMENTS

- If the document is a passport or travel document you must photocopy or scan: any pages providing the holder's personal details; their nationality; photograph; date of birth; signature; date of expiry and biometric details; **and any pages containing UK Government endorsements' showing the person is allowed to work in the UK** and carry out the work you are offering.
- If the individual is unable to present a passport or travel document you must photocopy or scan:  
All other documents in full, including both sides of a Biometric Residence Permit.

*NB The requirement for a properly documented National Insurance number will only provide an excuse when given to you in combination with one of the acceptable documents, as specified in Lists A and B.*

**This form should be submitted to Human Resources accompanied by copies of the verified right to work documentation.**

### Appendices

#### LIST A

***This lists the documents which demonstrate that an individual has an ongoing right to work in the UK.***

1. A passport showing 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
2. 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 a European Economic Area country or Switzerland
3. A registration certificate or document certifying or indicating permanent residence issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to a national of a European Economic Area country or Switzerland
4. A permanent residence card or document issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to the family member of a national of a European Economic Area country or Switzerland
5. A **current** Biometric Residence Permit 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
6. A **current** 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
7. A **current** Immigration Status Document issued by the Home Office, the Border and Immigration Agency, 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 **together** with an official document issued by a previous employer or Government agency with the person's name and National Insurance number (a P45, P46, National Insurance card, or letter from a Government agency)

8. A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents **together** with an official document issued by a previous employer or Government agency with the person's name and National Insurance number (a P45, P46, National Insurance card, or letter from a Government agency)
9. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **together** with an official document issued by a previous employer or Government agency with the person's name and National Insurance number (a P45, P46, National Insurance card, or letter from a Government agency)
10. A certificate of registration or naturalization as a British citizen **together** with an official document issued by a previous employer or Government agency with the person's name and National Insurance number (a P45, P46, National Insurance card, or letter from a Government agency)

## **LIST B – Groups 1 and 2**

***These list the documents which demonstrate that an individual has right to work in the UK for a limited period of time.***

### **Group 1**

1. A **current** passport or other travel document endorsed to show that the holder is allowed to stay in the UK and is allowed to do the type of work you are offering.
2. A **current** Biometric Residence Permit 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 type of work you are offering **AND** a **current** passport for anyone holding a Tier 2, 4 or 5 visa.
3. A **current** residence card (including an accession residence card or derivative residence card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.

4. A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the person may stay in the UK and is allowed to do the type of work you are offering **together** with an official document issued by a previous employer or Government agency with the person's name and National Insurance number (a P45, P46, National Insurance card, or letter from a Government agency)

## **Group 2**

5. 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 a European Economic Area country or Switzerland stating the holder is allowed to take employment which is **less than 6 months** old from the Home Office Employer Checking Service (please contact your Human Resources contact for this to be arranged)
6. An Application Registration Card (ARC) 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 Employer Checking Service (please contact your Human Resources contact for this to be arranged)
7. 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.