**Right to work Policy**

Under the Immigration, Asylum and Nationality Act 2006 and the Immigration Act 2016 Perlla’s Grill limited has a legal responsibility to ensure that all employees have the right to work in the UK. Checks on right to work must be carried out for every person Perlla’s Grill limited intends to employ regardless of their race, ethnicity, or nationality before they begin any work. If we do not comply with our duty to ensure our employees have the right to work in the UK, there are serious penalties for non-compliance.

This policy sets out the legal requirements for carrying out the following checks on all employees and prospective employees:

* identification
* right to work checks

It also sets out our requirements when recruiting foreign nationals. It ensures the recruitment process remains fair, inclusive and non-discriminatory.

We are committed to the provision of employment to local and UK residents in the first instance. We consider the employment of foreign nationals only where there is a specific need to do so. This will be where:

* the required skills and qualities are not available within the UK
* fulfilling the post is essential

For the purpose of this policy, and with effect from 1 January 2021,  'foreign nationals' refer to non-UK or Irish citizens or citizens in the European Economic Area (EEA) that have successfully applied for settled or pre-settled status under the EU settlement scheme.  The scheme is open to individuals living in the UK on or before 31 December 2020.  They have until 30 June 2021 to apply.

Principles

We have a responsibility, by law, to:

* comply with immigration legislation
* ensure than any migrant workers we employ are eligible to work in the UK

We must check documents of prospective employees before they start work. This provides us with a 'statutory excuse' which may avoid financial penalties.

For workers with a time limit on how long they can stay in the UK, we repeat document checks at least once a year. This is so we can retain the statutory excuse protection.

The most severe penalties are for knowingly employing an illegal worker. However even those who unknowingly employ illegal migrant workers can face severe financial penalties.

To comply with equality laws, we carry out document checks on all employees and prospective employees. We make no presumptions about a person's right to work in the UK based on their:

* background
* appearance
* accent
* race
* colour
* nationality
* ethnic
* national origins
* or, on the length of time they have been in the UK

Data protection

We must keep right to work documents for the duration of employment plus two years.

**Right to work procedure**

A right to work check must be done irrespective of the length of the engagement or employment contract.

A check must be done each time the person is engaged by Perlla’s Grill limited. We cannot reuse previous right to work checks.

**Right to work checks:**

Our prospective employees must prove that they:

* have permanent entitlement to work in the UK
* or, have a temporary entitlement to work in the UK

They can provide us with:

* one relevant document
* or, two relevant documents in specified combinations

They must provide us with the original documents.

Documents to prove permanent entitlement 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 passport card showing the holder is an Irish citizen.
3. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man which is verified as valid by the Home Office Employer Checking Service. Must show that the holder has been granted unlimited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules
4. A current passport 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
1. a current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that:
* the named person is allowed to stay indefinitely in the UK,
* or, has no time limit on their stay in the UK
* This must be supplied with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.
1. a full birth or adoption certificate issued in the UK which includes the name of at least one of the holder’s parents or adoptive parents. This must be together with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer
2. a birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.
3. a certificate of registration or naturalisation as a British citizen, together with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.

Documents to prove temporary entitlement to work in the UK

Group 1 – documents where a time-limited statutory excuse lasts until the expiry date of leave:

1. A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man which is verified as valid by the Home Office Employer Checking Service. Must show that the holder has been granted unlimited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules
3. A current Immigration Status Document containing a photograph issued by the Home Office to the holder. This should include a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.

Group 2 – documents where a time-limited statutory excuse lasts for six months:

1. A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme) on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.
2. A Certificate of Application (digital or non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021, together with a Positive Verification Notice from the Home Office Employer Checking Service.
3. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man showing that the holder has made an application for leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules or Appendix EU to the Immigration Rules (Bailiwick of Guernsey) Rules 2008, or Appendix EU to the Isle of Man Immigration Rules together with a Positive Verification Notice from the Home Office Employer Checking Service.
4. An Application Registration Card 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.
5. 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.

A copy of the relevant page or pages of any documents. They must be in a format which cannot be later altered (for example, a photocopy or scan).

In the case of a passport or other travel document, we need the following parts:

* The page containing the holder's personal details, such as:
* Details of nationality
* Photograph
* Date of birth
* Signature
* Date of expiry
* Biometric details, and
* Any page containing UK Government endorsements indicating that the holder:
* Has an entitlement to be in the UK
* Is entitled to undertake the work in question