Home Office

Right to Work Checklist

Name of person:	
Date of check:	
Type of check:	Initial check before employment ☐ Follow-up check on an employee ☐

You may conduct a physical document check or perform an online check to establish a right to work

Step 1 for physical check
• You must **obtain original** documents from either **List A** or **List B** of acceptable documents for a manual right to work check
List A
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 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 Permanent Residence issued by the Home Office, to a national of a European Economic Area country or Switzerland.
4. ☐ A Permanent Residence Card issued by the Home Office, to the family member of a national of a European Economic Area country or Switzerland.
5. ☐ A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
6. ☐ 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.
7. ☐ 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, 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.
8. ☐ A birth (short or long) or adoption certificate issued in the UK, **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.
9. ☐ A birth (short or long) 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.
10. ☐ 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.
List B Group 1
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 **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3. ☐ A **current** Residence Card (including an Accession Residence Card or a 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 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.
List B Group 2
1. ☐ 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 that the holder is permitted to take employment which is **less than 6 months** old **together with a Positive Verification Notice** from the Home Office Employer Checking Service.
2. ☐ 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.

3. ☐ 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.

Step 2 Check			
• You must **check** that the documents are genuine and that the person presenting them is the prospective employee or employee, the rightful holder and allowed to do the type of work you are offering.			
1. Are photographs consistent across documents and with the person's appearance?	**Yes** ☐	**No** ☐	**N/A** ☐
2. Are dates of birth consistent across documents and with the person's appearance?	**Yes** ☐	**No** ☐	**N/A** ☐
3. Are expiry dates for time-limited permission to be in the UK in the future i.e. they have not passed (if applicable)?	**Yes** ☐	**No** ☐	**N/A** ☐
4. Have you checked work restrictions to determine if the person is able to work for you and do the type of work you are offering? (for **students** who have limited permission to work during term-times, you **must** also obtain, copy and retain details of their academic term and vacation times covering the duration of their period of study in the UK for which they will be employed)	**Yes** ☐	**No** ☐	**N/A** ☐
5. Are you satisfied the document is genuine, has not been tampered with and belongs to the holder?	**Yes** ☐	**No** ☐	**N/A** ☐
6. Have you checked the reasons for any different names across documents (e.g. marriage certificate, divorce decree, deed poll)? (Supporting documents should also be photocopied and a copy retained.)	**Yes** ☐	**No** ☐	**N/A** ☐

Step 3 Copy

You must make a clear **copy** of each document in a format which cannot later be altered, and retain the copy securely: electronically or in hardcopy. You must copy and retain:

1. ☐ **Passports**: any page with the document expiry date, nationality, date of birth, signature, leave expiry date, biometric details and photograph, and any page containing information indicating the holder has an entitlement to enter or remain in the UK and undertake the work in question.

2. ☐ **All other documents**: the document in full, both sides of a Biometric Residence Permit.

You must also record and retain the date on which the check was made.

Know the type of excuse you have

If you have correctly carried out the above 3 steps you will have an excuse against liability for a civil penalty if the above named person is found working for you illegally. However, you need to be aware of the type of excuse you have as this determines how long it lasts for, and if, and when you are required to do a follow-up check.

The documents that you have checked and copied are from:

1. List A ☐ You have a **continuous statutory excuse** for the **full duration** of the person's employment with you. You are not required to carry out any repeat right to work checks on this person.

2. List B: Group 1 ☐ You have a **time-limited statutory excuse** which expires when the person's permission to be in the UK expires. You should carry out a **follow-up check when the document evidencing their permission to work expires**.

3. List B: Group 2 ☐ You have a **time-limited statutory excuse** which expires 6 months from the date specified in your Positive Verification Notice. **This means that you should carry out a follow-up check when this notice expires**

You must obtain original documents from either List A or List B of acceptable documents for a manual right to work check	

Home Office online right to work checking service

For an online right to work check (available in respect of those with a biometric residence permit, a biometric residence card or have status issued under the EU settlement scheme).There are three basic steps to conducting an online right to work check:

1. use the Home Office online right to work checking service (the 'View a job applicant's right to work details' page on gov.uk) in respect of an individual and only employ the person, or continue to employ an existing employee, if the online check confirms they are entitled to do the work in question;

2. satisfy yourself that any photograph on the online right to work check is of the individual presenting themselves for work; and

3. retain a clear copy of the response provided by the online right to work check (storing that response securely, electronically or in hardcopy) for the duration of employment and for two years afterwards.