

ASYLUM AND IMMIGRATION INFORMATION FOR [PROSPECTIVE] EMPLOYEES

It is a criminal offence to take on an employee who is subject to immigration control and who has not been granted leave to enter or remain in the UK, or does not have permission to work in the UK.

To comply with the provisions of the Immigration, Asylum and Nationality Act 2006, employers should (prior to allowing a job applicant to start work) require the person to produce documentary evidence indicating that he or she has the **right to work** in the UK, and keep signed and dated copies of the documents.

To verify a job applicant's right to work in the UK, the employer is required to see, and keep a copy of either one document, or two documents in defined combinations, from either list A or list B as prescribed by the UK Border Agency (UKBA).

List A documents are those that indicate that the holder is entitled to live and work in the UK indefinitely. List B documents indicate that the holder has restrictions on his or her right to work in the UK, usually in relation to the length of time he or she may continue to work legally.

In order to enable us to carry out this requirement please provide a document (or combination of documents) as detailed below before your first day of work.

List A Documents - List A (covers the duration of the individual's employment)

- A passport showing that 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.
- 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 the European Economic Area (EEA) or Switzerland.
- A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office or the Border & Immigration Agency to a national of an EEA country or Switzerland.
- A permanent residence card issued by the Home Office or the Border & Immigration Agency to the family member of a national of an EEA country or Switzerland.
- A Biometric Immigration Document issued by the Border & Immigration Agency to the holder that indicates that the person named in it is allowed to stay indefinitely in the UK, or has no time limit on his or her stay in the UK.
- A 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 his or her stay in the UK.
- An Immigration Status Document issued by the Home Office or the Border & Immigration 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 his or her stay in the UK, when produced in combination with an official document giving the person's permanent national insurance number and his or her name issued by a government agency or a previous employer.
- A full birth certificate issued in the UK that includes the name(s) of at least one of the holder's parents, when produced in combination with an official document giving the person's permanent national insurance number and his or her name issued by a government agency or a previous employer.
- A full adoption certificate issued in the UK that includes the name(s) of at least one of the holder's adoptive parents when produced in combination with an official document giving the person's permanent national insurance number and his or her name issued by a government agency or a previous employer.

- A birth certificate issued in the Channel Islands, the Isle of Man or Ireland when produced in combination with an official document giving the person's permanent national insurance number and his or her name issued by a government agency or a previous employer.
- An adoption certificate issued in the Channel Islands, the Isle of Man or Ireland when produced in combination with an official document giving the person's permanent national insurance number and his or her name issued by a government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen when produced in combination with an official document giving the person's permanent national insurance number and his or her name issued by a government agency or a previous employer.
- A letter issued by the Home Office or the Border & Immigration Agency to the holder that indicates that the person named in it is allowed to stay indefinitely in the UK when produced in combination with an official document giving the person's permanent national insurance number and his or her name issued by a government agency or a previous employer.

List B Documents - List B covers a period of 12 months, after which the check must be repeated

- A passport or travel document endorsed to show that the holder is allowed to stay in the UK and is allowed to do the type of work in question, provided that it does not require the issue of a work permit.
- A Biometric Immigration Document issued by the Border & Immigration Agency to the holder that indicates that the person named in it can stay in the UK and is allowed to do the work in question.
- A work permit or other approval to take employment issued by the Home Office or the Border & Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the UK and is allowed to do the work in question, or a letter issued by the Home Office or the Border & Immigration Agency to the holder or the employer or prospective employer confirming the same.
- A certificate of application issued by the Home Office or the Border & Immigration Agency to or for a family member of a national of an EEA country or Switzerland stating that the holder is permitted to take employment that is less than six months old when produced in combination with evidence of verification by the Border & Immigration Agency Employer Checking Service.
- A residence card or document issued by the Home Office or the Border & Immigration Agency to a family member of a national of an EEA country or Switzerland.
- An Application Registration Card issued by the Home Office or the Border & Immigration Agency stating that the holder is permitted to take employment, when produced in combination with evidence of verification by the Border & Immigration Agency Employer Checking Service.
- An Immigration Status Document issued by the Home Office or the Border & Immigration Agency to the holder with an endorsement indicating that the person named in it can stay in the UK, and is allowed to do the type of work in question, when produced in combination with an official document giving the person's permanent national insurance number and his or her name issued by a government agency or a previous employer.
- A letter issued by the Home Office or the Border & Immigration Agency to the holder or the employer or prospective employer that indicates that the person named in it can stay in the UK and is allowed to do the work in question when produced in combination with an official document giving the person's permanent national insurance number and his or her name issued by a government agency or a previous employer.

Nationalities

If you are unsure what restrictions are placed on individuals of your nationality, below is further information.

European Economic Area (EEA) nationals from the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia:

Citizens of the above countries may work in the UK without a work permit. However, they are required to register with the Home Office under the Accession State Worker Registration Scheme if they are to work in the UK for more than one month.

Offers of employment to individuals from these countries will be subject to their complying with the following requirements and their application for registration being successful:

- An individual must, within a month of starting work, apply to register with the scheme. The school will provide him/her with evidence of employment in the form of the offer letter/contract of employment, take a copy of his/her registration application and retain it until notification has been received from the Home Office that he/she has been registered.

If the individual does not register within one month of starting work, or his/her application is refused, his/her employment will be terminated.

All contracts are conditional upon the individual having the right to work.

Other European Economic Area nationals and Swiss nationals:

Citizens of Austria, Belgium, Cyprus, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, the Netherlands, Norway, Portugal, Spain, Sweden and Switzerland have the right to work in the UK without a work permit.

While it is not obligatory for European Economic Area nationals or Swiss nationals to apply for a resident's permit, it is advisable that they do so as this is a useful way of demonstrating that they are exercising their rights to work and reside in the UK.

Spouses or civil partners and dependent children (up to the age of 21) of citizens of the European Economic Area and Swiss nationals who have the right to work in the UK also have an automatic right to work in the UK, regardless of their nationality.

Bulgarian and Romanian nationals:

Since 1 January 2007 Romanians and Bulgarians have had the right to travel throughout the EU, but there are restrictions on employed work for Romanian and Bulgarian workers:

- Skilled workers with the right qualifications and experience can come to the UK on work permits to take up specific jobs where no suitable UK applicants can be found.
- Workers with particularly high levels of skills and experience are eligible for admission under the Highly Skilled Migrant Programme.
- Low-skilled migration is restricted to those sectors of the economy where the UK already has low-skilled schemes and is subject to a strict quota not exceeding 20,000 workers per year.

Commonwealth citizens:

Commonwealth citizens with a British grandparent may apply for an Ancestry Visa, which entitles them to come to the UK and work without restriction for up to five years.

Commonwealth citizens aged between 17 and 30 can no longer obtain a Working Holiday Maker Scheme visa as this category has been deleted from the Immigration Rules. Nationals of Australia, Canada, Japan, and New Zealand may be entitled to work in the UK for up to two years under the Youth Mobility Scheme under tier 5 of the points-based immigration system.

Those Commonwealth citizens who have a certificate of their right of abode in the UK in their passport are entitled to work in the UK.

Employers' obligations when checking documents

It is a requirement of the law that we carry out the following steps when checking documents:

- Check any photographs, where available to ensure that we are satisfied that they are consistent with your appearance.
- Check the dates of birth listed to ensure that we are satisfied that they are consistent with our appearance.
- Check that any expiry dates have not passed.
- Check any United Kingdom stamps or endorsements to see fit you are able do the type of work you have applied for.
- Where two documents are provided with different names on, ask for an explanation and further documents to support the reasons for this. (Further documents could include a marriage certificate, divorce document, deed poll, and adoption certificate or statutory declaration).