

Online Right to Work checks

This guidance document has been produced by the Staff Compliance Team for departmental use. The guidance is designed to assist with the online right to work checking process, which over time will gradually replace 'manual' right to work checks.

For general guidance on how to undertake a right to work check, please see the Staff Compliance right to work webpages: <https://www.imperial.ac.uk/human-resources/compliance-and-immigration/immigration/right-to-work/right-to-work-checks/>

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- Indefinite Leave to Remain

Checked by Staff Compliance Team

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1. Who can access the online right to work check service?

'Digital Immigration Statuses', which can be checked online, are issued to:

- All **EU/EEA/Swiss nationals** where granted pre-settled or settled status (where resident in the UK before 31 December 2020); and
- All **EU/EEA/Swiss nationals** where granted a '**visa**' to work in the UK. This could be via the Global Talent, Skilled Worker, Tier 5 GAE routes, etc (amongst others); and
- All **Non-EEA nationals** holding a Biometric Residence Permit (BRP) for any immigration status. They can access the service using their BRP number.

For Right to Work (RTW) checks from 1 September 2021 please follow the appropriate actions below.

TYPE OF RTW CHECK REQUIRED	RESPONSIBILITY FOR RTW CHECK
Online RTW checks for:	
<ul style="list-style-type: none"> • EEA nationals or non-EEA dependents of an EEA national <u>with</u> EU Settlement Scheme Pre-settled/Settled Status or a Certificate of Application (CoA) • EEA nationals with a Frontier Worker Permit • EEA or non-EEA nationals with Indefinite Leave to Remain endorsed on a Biometric Residence Permit/Card 	Departmental RTW checker
<ul style="list-style-type: none"> • EEA or non-EEA nationals with time-limited visas who hold a valid Biometric Residence Permit/Card 	Staff Compliance Team
Adjusted/In person manual RTW checks for:	
<ul style="list-style-type: none"> • UK or Irish nationals • EEA or non-EEA nationals with Indefinite Leave to Remain endorsed in a <u>current</u> passport 	Departmental RTW checker
<ul style="list-style-type: none"> • EEA or non-EEA national with time-limited visa vignette in a <u>current</u> passport (e.g. UK Entry permission or visa of less than 6 months) 	Staff Compliance Team
Home Office Employers Checking Service (ECS) check for:	
<ul style="list-style-type: none"> • EEA or non-EEA nationals with an outstanding visa/immigration status application • EEA or non-EEA nationals who have had their immigration status temporarily extended by UKVI due to Covid-19-related concessions to immigration rules (e.g. 'exceptional assurance') 	Staff Compliance Team <i>(As of September 2021, Home Office are taking between 1-3 weeks to process ECS applications, due to capacity/request pressures)</i>
Follow up RTW check for:	
<ul style="list-style-type: none"> • EEA or non-EEA nationals with time-limited RTW 	Staff Compliance Team

Please Note:

British Citizens and Irish Citizens presenting a passport or birth certificate and UK national insurance number cannot use the online right to work checking service. They can only have a manual right to work check, with the department seeing their original documents, either remotely by video call (adjusted check) or in person.

- You may complete the RTW check at/after interview stage.
- Where the RTW check is not conducted at interview stage, this must be scheduled and completed prior to the individual's proposed work start date.
- We recommend that you complete the RTW check and submit the completed RTW checklist and evidence with the new hire/contract request, or as soon as possible thereafter, to the HR Recruitment/Staff Hub so that this can be quality checked at the earliest opportunity.

Where a non-EEA national *new starter* has not yet collected their BRP from the Post Office / nominated collection point, they will be unable to access the digital service until they collect their BRP. This will mean that the Staff Compliance Team would need to undertake an adjusted manual check of their UK Entry Vignette.

2. As a departmental administrator/recruiter, how do I use the online service?

To undertake a right to work check using the online status service for an individual who has declared they hold:

- EUSS status (or has applied for EUSS and has a digital Certificate of Application); or
- Frontier Worker Permit status; or
- Indefinite Leave to Remain on valid BRP

please follow these steps:

- Undertake the check once the individual is present in the UK. You may need to verify this with the individual prior to commencing.
- Candidate/employee raises a share code online: <https://www.gov.uk/prove-right-to-work>
- Candidate/employee provides the share code for the department to check their status, alongside their date of birth. The code is only valid for 30 days.
- The department can check the individual's status via <https://www.gov.uk/view-right-to-work> using the share code and the employee's date of birth.
- Request a scanned copy of their passport and any other physical evidence document of their UK immigration status (where applicable) at the same time
- On the online form - for the question 'What is your company name', enter: '**Imperial College London**'.
- You can then view the person's immigration status and picture online and download as a pdf.
- You must perform a video call with the individual or see them in-person whilst the online check result is on screen to verify their photo likeness. **This step is obligatory.**
- Where there is a 'start date' on their immigration status, please ensure that the check is being conducted **after** this date, and do not allow a work start until after the date of the check.
- Download the current version of the [RTW Checklist](#), and complete this form fully, inserting the relevant Online check pdf into the 'evidence space', and once all details completed on the checklist, please save a final version as a pdf with an appropriate title (*e.g. NAME, RTW checklist and evidence DATE 01012021*).
 - Please do not save the RTW Checklist locally, as this may be updated over time in line with changes to Home Office policy / College policy.
- Once the Online check, photo verification and RTW Checklist are completed, please send to the HR Recruitment/Staff Hub team responsible for processing the contract offer.

- The HR Hub team will quality check the RTW evidence submitted and will respond if anything on the RTW checklist/evidence needs further explanation or resubmission
 - The HR Hub team will enter the relevant nationality / passport / immigration /RTW status into the HR Information system (ICIS), where this is time-limited (e.g. EUSS *pre-settled* status) so that this can be identified in visa expiry weekly reports run by the Staff Compliance Team, who will send visa expiry reminders from around 4 months prior to the expiry date.
- All contract offers are made subject to a satisfactory RTW check being completed before the work start date.
 - **For checks undertaken by the Staff Compliance Team** – SCT will confirm in writing to individual/employee once the check is completed and work can start.
 - **For checks undertaken by the Department** – it is the responsibility of the department to complete the check and to provide the evidence and completed RTW checklist to HR for quality check/filing/ICIS input, prior to the individual starting work.

Wherever possible we recommend that the RTW check is completed and evidence submitted to the relevant HR Recruitment/Staff Hub as soon as possible, to allow sufficient time for this to be quality checked. **This will help to ensure that this pre-employment condition does not cause any avoidable delays to start dates.**

3. Examples of online status checks by visa type

- The following pages provide visual examples of online RTW checks statuses for comparison with 'real life' versions.
- You will note that the online RTW checks **do not state the category of 'visa' that the individual holds**. However, there are various visual clues within the status which will help you determine the type of 'visa' they hold.

EU Settled Status *(check undertaken by Departmental Administrator)*

- Issued to EU citizens resident in the UK prior to 'Brexit';
- Confers unrestricted and unlimited right to work in the UK;
- No repeat check required for the duration of employment;
- Note the wording highlighted in yellow, which denotes that it is a status specifically issued under the UK/EU Withdrawal Agreement (and in this case, is 'settled status')



NAME OF PERSON

They can work in the UK.

Details

They can work in any job. There is no limit on how long they can stay in the UK.

Legal basis of status

This leave is issued in accordance with the EU exit separation agreements.

For EU citizens, and the family members of EU citizens or of UK citizens, this is the Withdrawal Agreement. For EEA European Free Trade Association (EFTA) citizens, and the family members of EEA EFTA citizens, this is the EEA EFTA Separation Agreement. For Swiss citizens, and the family members of Swiss citizens, this is the Swiss Citizens' Rights Agreement.

If you employ this person

To avoid a **penalty**, you must:

- check this looks like the person you meet face to face
- keep a secure copy of this online check (either electronically or in hard copy), for the duration of the employment and for 2 years after

You don't need to do the check again.

Details of check

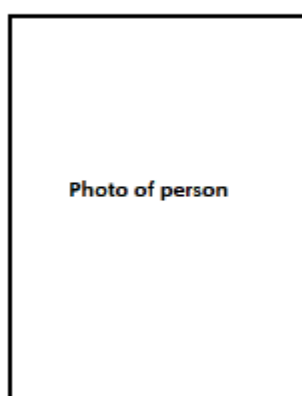
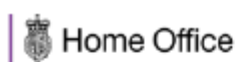
Company name

Date of check

Reference number

EU Pre-Settled Status *(check undertaken by Departmental Administrator)*

- Issued to EU citizens resident in the UK prior to 'Brexit';
- Confers unrestricted but time-limited right to work in the UK;
- Repeat check necessary at point of expiry (where RTW check undertaken after 30 June 2021)
- Note the wording highlighted in yellow, which denotes that it is a status specifically issued under the UK/EU Withdrawal Agreement (and in this case, is 'pre-settled status')



NAME OF PERSON

They can work in the UK until 20 December 2023.

Details

They can work in any job.

Legal basis of status

This leave is issued in accordance with the EU exit separation agreements.

For EU citizens, and the family members of EU citizens or of UK citizens, this is the Withdrawal Agreement. For EEA European Free Trade Association (EFTA) citizens, and the family members of EEA EFTA citizens, this is the EEA EFTA Separation Agreement. For Swiss citizens, and the family members of Swiss citizens, this is the Swiss Citizens' Rights Agreement.

If you employ this person

To avoid a [penalty](#), you must:

- check this looks like the person you meet face to face
- keep a secure copy of this online check (either electronically or in hard copy), for the duration of the employment and for 2 years after
- do this check again when their status expires on 20 December 2023

Details of check

Company name

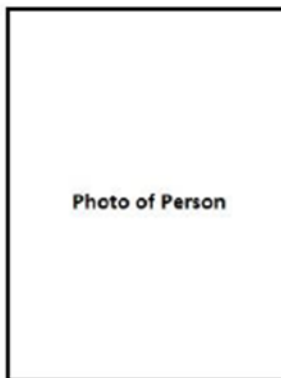
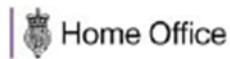
Date of check

15 June 2021

Reference number

Indefinite Leave to Remain *(check undertaken by Departmental Administrator)*

- Issued to non-EEA nationals and distinct from 'Settled Status';
- Confers unrestricted and unlimited right to work in the UK;
- No repeat check required for the duration of employment;
- Note the wording highlighted in yellow, which denotes that this is Indefinite Leave to Remain (ILR)



NAME OF PERSON
They can work in the UK.

Details

They can work in any job. **There is no limit on how long they can stay in the UK.**

If you employ this person

To avoid a [penalty](#), you must:

- check this looks like the person you meet face to face
- keep a secure copy of this online check (either electronically or in hard copy), for the duration of the employment and for 2 years after

You don't need to do the check again.

Read the [employers' code of practice](#) to find out more about right to work checks.

Details of check

Company name

[Redacted]

Date of check

Reference number

Skilled Worker Visa/Tier 5 Government Authorised Exchange visa

(check undertaken by Staff Compliance Team)

- These are 'Sponsored' visas, issued on the basis of a job offer or specific research/academic engagement at the University.
- Individual can only work for their sponsor in the role for which their Certificate of Sponsorship was assigned. Can also do supplementary employment.
- Repeat RTW check required at the point of visa expiry.
- Note the wording highlighted in yellow, which clearly denotes this is a sponsored visa as no other visas have these specific conditions attached to them. **Please refer to the Staff Compliance Team, responsible for undertaking these checks.**


 Home Office

Photo of person

NAME OF PERSON
They have permission to work in the UK from 1 March 2021. They can work in the UK until 14 September 2021.

Details
On their current visa, they must work for their sponsor while they are in the UK.

They can also work part-time (up to 20 hours a week) in another job if it is one of the following:

- the same role as their current job
- on the shortage occupation list

Any part-time work must be outside the hours they work for their sponsor. These conditions are the standard requirements for their visa.

If you employ this person

To avoid a [penalty](#), you must:

- check this looks like the person you meet face to face
- keep a secure copy of this online check (either electronically or in hard copy), for the duration of the employment and for 2 years after
- do this check again when their permission to be in the UK expires on 14 September 2021

Read the [employers' code of practice](#) to find out more about right to work checks.

Details of check

Company name

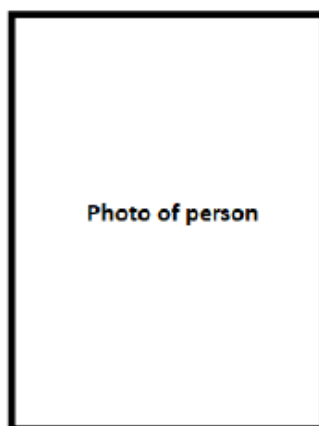
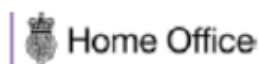
Date of check

Reference number

Tier 4/Student visas

(check undertaken by Staff Compliance Team)

- Issued to non-UK nationals coming to the UK to study
- Temporary, and strict working restrictions apply:
 - During term time, no more than 20 hours work per week across all employers and jobs;
 - Full time in vacation periods (including once study is fully completed);
 - No self-employment or work placements;
- The College guidance on work for student visa holders can be reviewed here:
- Note the wording highlighted in yellow, which denotes that this is a Tier 4/Student visa.



NAME OF PERSON

They have permission to work in the UK from 25 March 2021. They can work in the UK until 16 August 2023.

Details

They can work:

- up to 20 hours a week during term time
- full-time during the holidays

They must share proof of their term dates with their employer.

They can also work on a placement which is part of the course their student visa is based on. The work placement must be:

- a compulsory part of their course
- assessed as part of their course

Read more about [volunteering, working for a student union and other types of work](#).

Conditions

They cannot:

- work as an entertainer
- work as a professional sports person or coach
- run a business or be self-employed - unless they have applied for a start-up visa

Other visa types *(check undertaken by Staff Compliance Team)*

- There are many other visa categories which will also permit right to work at the University, including, but not limited to:
 - Global Talent visas
 - Graduate visas
 - Points-based dependant visas
 - Family of Settled Person visas
 - Youth Mobility visas
 - British National Overseas (BNO) visas
 - Frontier Worker Permit
- Due to the digital status not denoting the type of visa that the individual holds and given that most of the above categories listed visas confer near-unrestricted right to work in the UK, it is often impossible to discern the type of visa held by way of the digital status we are presented with.
- We have provided the following examples of the visa statuses listed above in their digital status format. **All of these can be accepted.**
- Please note any specific conditions and the end date of the status.

Example 1:

 Home Office

Photo of person

NAME OF PERSON

They have permission to work in the UK from 29 December 2020. They can work in the UK until 29 December 2025.

Details

They can work in any job.

If you employ this person

To avoid a [penalty](#), you must:

- check this looks like the person you meet face to face
- keep a secure copy of this online check (either electronically or in hard copy), for the duration of the employment and for 2 years after
- do this check again when their permission to be in the UK expires on 29 December 2025

Read the [employers' code of practice](#) to find out more about right to work checks.

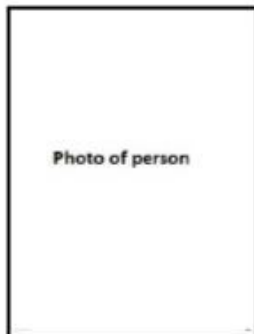
Details of check

Company name

Date of check

Reference number

Example 2:



NAME OF PERSON

They have permission to work in the UK from 2 June 2021. They can work in the UK until 2 December 2023.

Details

On their current visa, you can employ them to do any job except those listed in the conditions below.

Conditions

They cannot:

- play or coach professional sports

This condition is a standard requirement for their visa.

In this example, these are the only work conditions attached to this 'visa' type - all other work is permitted



If you employ this person

To avoid a [penalty](#), you must:

- check this looks like the person you meet face to face
- keep a secure copy of this online check (either electronically or in hard copy), for the duration of the employment and for 2 years after
- do this check again when their permission to be in the UK expires on 2 December 2023

Details of check

Company name

Date of check