Home Office 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 Home Office online right to work checking process, which has replaced manual right to work checks for EEA/non-EEA nationals with relevant UK immigration statuses.

For general guidance on how to undertake a right to work check, please see the Staff Compliance right to work webpages: Right to work | Administration and support services | Imperial College London

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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 and non-EEA nationals** granted EU settlement scheme pre-settled or settled status (where resident in the UK before 31 December 2020); and holders of Frontier Worker Permit.

- All **EU/EEA/Swiss nationals and Non-EEA nationals** where granted a **visa** with permission work in the UK. This could be via the Global Talent, Skilled Worker, Tier 5 GAE routes, etc (amongst others), as well as Indefinite Leave to Remain holders

For Right to Work (RTW) checks from 1 October 2022 please follow the appropriate actions below.

TYPE OF RTW CHECK REQUIRED		RESPONSIBILITY FOR RTW CHECK
Initial RTW checks for New Employees for:		
• UK or Irish national • EEA/non-EEA national with Indefinite Leave to Remain endorsed in a current passport	In person manual RTW check	Departmental staff
• EEA national or non-EEA dependent of an EEA national with EU Settlement Scheme Pre-settled/Settled Status • EEA national or non-EEA dependent of an EEA national with (digital) Certificate of Application (CoA) • EEA nationals with a Frontier Worker Permit • EEA/non-EEA national with Indefinite Leave to Remain	Home Office online RTW check	Departmental staff
Initial & Follow-up RTW checks for Employees for:		
• EEA/non-EEA national with time-limited visa who holds a valid digital status	Home Office online RTW check	Staff Compliance Team
• EEA/non-EEA national with an outstanding visa/immigration status application	Home Office Employers Checking Service (ECS) check	Staff Compliance Team
Initial & Follow-up RTW checks for Casual Workers for:		
• UK or Irish national *with valid biometric British/Irish passport or Irish passport card*	*IDSP digital RTW check or In person manual check*	Casual Worker Team
• EEA/non-EEA national with Indefinite Leave to Remain endorsed in a current passport	In person manual RTW check	Casual Worker Team
• EEA national or non-EEA dependent of an EEA national with EU Settlement Scheme Pre-settled/Settled Status • EEA national or non-EEA dependent of an EEA national with (digital) Certificate of Application (CoA) • EEA nationals with a Frontier Worker Permit • EEA/non-EEA national with Indefinite Leave to Remain digital status • EEA/non-EEA national with time-limited visa digital status	Home Office online RTW check	Casual Worker Team
• EEA/non-EEA national with an outstanding visa/immigration status application	Home Office Employers Checking Service (ECS) check	Casual Worker Team

Please Note:

The following groups of employees cannot use the online right to work checking service. **They can only have an in-person manual right to work check**, with the RTW checker seeing their original documents.

- *UK or Irish nationals
- EEA or non-EEA nationals with Indefinite Leave to Remain endorsed in a current passport

**The only exception to this is where employers procure the services of a certified Identity Service Provider (IDSP) to carry out digital RTW checks on holders of valid biometric British/Irish passports or Irish passport cards. The Casual Worker team use an IDSP, and feasibility of this being rolled out further for UK employees continues to be reviewed.*

You may complete the RTW check at/after interview stage however please note the following recommendations which are designed to minimise the need for in person RTW checks wherever possible:

- When conducting in person interviews, please ask candidates to either:
    - provide original documents evidencing their RTW (UK, Irish passport, Indefinite leave to remain endorsement in current passport) or
    - provide a RTW share code if they hold EUSS, Indefinite Leave to Remain, Frontier Work Permit
    - provide an Immigration status share code if they hold a time-limited visa (Staff Compliance Team will request RTW share code and complete the checks once employment offer made)
    - provide a copy of their passport as evidence of nationality, if no current UK immigration status is held.

- Where EEA/non-EEA nationals provide evidence of Indefinite Leave to Remain endorsed in a passport, please encourage them to setup a UKVI account and eVisa. Once an application is submitted, the Staff Compliance Team will be able to verify their initial RTW via the Home Office Employers Checking Service and conduct a follow up check using the Home Office online service

- 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. Please refer to above table if this check will be undertaken in department or by Staff Compliance Team.

    - Where department is responsible for the check, 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 Recruitment/Staff Hub so that this can be quality checked at the earliest opportunity.

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 eVisa status

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/email will also confirm how long this is valid for.

- 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 evidence document of their UK immigration status which confirms the status type (where applicable) at the same time

- On the online RTW check form - for the question '*What is your company name'*, enter: **'Imperial College London'**.

- You should then view the person's immigration status and picture online and download the online check result as a pdf. (There is a download button on the result page)

- 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 conducted **from** this date, and do not allow work to start until after the date of the check.

- Download the current version of the RTW Checklist, and complete this form fully, using snipping tool to paste the relevant Online check pdf into the 'evidence space', and once all details have been completed on the checklist, please save a final version as a pdf with an appropriate title *(e.g. NAME, RTW and DATE 01012021).*

    - Please do not save the RTW Checklist template locally, as this is frequently updated in line with changes to Home Office policy.

- Once the Online check, photo verification and RTW Checklist are completed, please send to the Recruitment/Staff Hub team responsible for processing the contract offer.

    - The 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 Hub team will enter the relevant nationality / immigration / RTW status into the HR Information system (ICIS) to ensure that visa expiry and compliance reports run by the Staff Compliance Team contain accurate information.

- All contract offers are made subject to a satisfactory RTW check being completed <u>before</u> 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. The departmental manager/administrator and Hub team will be cc'd into this email.

    - **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 Hub for quality check/filing/ICIS input, prior to the individual starting induction/work.

      Wherever possible we recommend that the RTW check is completed and evidence submitted to the relevant Recruitment/Staff Hub as soon as possible, so that this can be quality checked at the earliest opportunity. **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 – and whether the department is responsible for completing the check, or the Staff Compliance Team.

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. Not the 'there is no limit on how long they can stay in the UK' – which is only present on Settled status, not pre-settled.
- 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')

Home Office

Photo of person

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 right to work in the UK. Pre-settled does have a status expiry date, but there is no requirement for employers to conduct a follow up right to work check at the pre-settled status expiry, so the result does not confirm this expiry date.

- 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')

Home Office

Photo of person

NAME OF PERSON

They can work in the UK.

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

You don't need to do the check again.

Details of check

Company name

Date of check

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)

Home Office

Photo of Person

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

Date of check

Reference number

For information only:

Skilled Worker Visa/Tier 5 Government Authorised Exchange visa

(check undertaken by Staff Compliance Team)

- These are 'Sponsored' visas, issued based on 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.
- Follow-up RTW check required before visa expiry (Staff Compliance Team undertake).
- 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:

- [x] 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

For information only:

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.

Home Office

Photo of person

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 sportsperson or coach
- run a business or be self-employed - unless they have applied for a start-up visa

For information only:

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
  - Dependent 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:

Home Office

Photo of person

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