

Guidance on immigration requirements and document checking

In the invitation to interview letter, each candidate will have been asked to bring with them a document or documents from the List of documents which show a person's entitlement to work in the UK. The Chair of the panel should ensure that arrangements are in place for these documents to be checked and photocopied on the day of the interview. An online Immigration Document Checking module is available for self-enrolment via People Development Online.

Checks

Please refer to the Home Office Right to Work Checklist. You must check that the documents are genuine, that the person presenting them is the prospective employee, the rightful holder and allowed to do the type of work you are offering. You must check:

- photographs and dates of birth are consistent across documents and with the person's appearance in order to detect impersonation;
- expiry dates for permission to be in the UK have not passed;
- any work restrictions to determine if they are allowed to do the type of work on offer (for **students** who have limited permission to work during term-times, you **must** 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);
- the documents are genuine, have not been tampered with and belong to the holder; and
- 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.

Further Checks for Biometric Residence Permits

Biometric Residence Permits are being rolled out to replace the stamps/stickers previously placed in passports. The grant of leave to remain in the UK will be issued as a standalone card. There will be no endorsement in the passport.

The following checks of Biometric Residence Permits should be undertaken:

- Look at the card carefully – is it clean and in good condition? Does it look tampered with?
- Check the card number (on the front of the card in the top right hand corner). It should start with two letters followed by 7 numbers. The card number should not be raised.
- Check the cardholder's image. It should be in grey-scale and should match the person presenting it to you.
- Check the 'tactile feature' on the back. The back has a raised design incorporating the four national flowers of the UK, which can be seen by shining a light across the card and felt by running a finger over it.



- Feel the card – it should feel thicker than a driving licence, will have a distinctive sound when flicked, and should not be bent or folded.
- Check that the biographical details (name, date of birth etc) match the details of the person presenting it to you.

If having done these checks you still have concerns, please seek advice from Human Resources before telephoning the preferred candidate.

Photocopies

You must make a clear **copy** of each document and retain:

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

The administrator should sign and date the copies. The date may be written on the document copy as follows: 'the date on which this right to work check was made: [insert date]'. In addition, the administrator should complete the Home Office Right to Work Checklist for each document copied. Copies of the successful candidate's documentation should be placed on the individual's personal file.

Students

Students from outside the European Economic Area (EEA) are permitted to take limited employment in the UK, providing their conditions of entry to the UK allow this. Those studying here who have entered the UK as 'student visitors' are not allowed to work.

There are strict conditions on the type of work students (under Tier 4) can undertake while they are studying in the UK. The maximum amount of part-time work that Tier 4 students can do during term time is as follows (or as indicated on their Biometric Residence Permit):

- a) 20 hours per week for students studying a course at or above UK degree level or NQF 6 with a UK HEI; or
- b) 10 hours per week for students studying a course that is below UK degree level with a UK HEI or further education college.

A student from outside of the EEA **must not** engage in business; **or** engage in self-employment; **or** provide services as a professional sportsperson or entertainer.

In addition to checking the student's passport, you must request an authorised letter from their place of study confirming their course details and term dates.



Candidates from non EEA Countries and Certificates of Sponsorship

Where candidates indicate that they do not have permission to work in the UK, it may be that an application under Tier 2 of the points based immigration system will be required.

It is important to note that it is ourselves, as the prospective employer who must apply for the Tier 2 certificate of sponsorship, not the foreign national. Furthermore, the certificate of sponsorship is related to a specific job and so a certificate of sponsorship related to another job (either within our University or externally) would not suffice.

To successfully obtain a Tier 2 (general) certificate of sponsorship, we need to meet the Home Office requirements, including evidence of advertising for a minimum of 4 weeks and requirements in relation to skill and salary level of the vacancy. Please contact Human Resources for advice where the potential need for a Tier 2 certificate of sponsorship arises.



List of documents which show a person's entitlement to work in the UK

The requirements of the Asylum, Immigration and Nationality Act (2006) include that at the time of recruitment an employer must be able to demonstrate that the person appointed has permission to work in this country.

For this reason, all external candidates for a post at our University must produce the original of any one of the documents, or combination of documents, described in **List A** or **List B**:

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 Government agency or 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 – 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 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.

International students should also provide a letter from their education institution confirming the term dates for their course.

Group 2 – Documents where a time-limited statutory excuse lasts for 6 months

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.

Nationals from the following European Economic Area countries, and Switzerland, can work in the UK without restriction: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.