



Home Office

# An employer's guide to acceptable right to work documents

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# 1. Introduction

Illegal working often results in abusive and exploitative behaviour, the mistreatment of illegal migrant workers, tax evasion and poor housing conditions. It can also undercut legitimate businesses and have an adverse impact on the employment of people who are lawfully in the UK.

The law on preventing illegal working is set out in sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006 (the 2006 Act). This legislation replaced section 8 of the Asylum and Immigration Act 1996 (the 1996 Act) in respect of employment that commenced on or after 29 February 2008. Under section 15 of the 2006 Act, an employer may be liable for a civil penalty if they employ someone who does not have the right to undertake the work in question. However, an employer may establish a statutory excuse against this liability by carrying out prescribed document checks before the employment starts, although this excuse is not available if the employer knows that the employment is not permitted. The check has to be repeated if the employee only has limited permission to be in the UK.

## How should this guide be used?

This guide should be used by employers, including anyone in their organisation who is delegated to conduct right to work checks, in order to become familiar with the documents they are checking. In this guidance we refer to employers as 'you, and the Home Office as 'we'.

It provides information about the documents which are acceptable for you to check to establish someone's right to work, provides examples of these documents and an explanation of relevant features. It also provides links to other useful sources of information on documents.

For guidance on how to conduct right to work checks correctly, please refer to '[An employer's guide to right to work checks](#)' and the online interactive tool '[Check if someone can work in the UK](#)' which will take you step by step through the right to work check.

This guide has been issued alongside other guidance, Codes of practice and tools. This collection comprises:

- [An employer's guide to the administration of the civil penalty scheme;](#)
- [An employer's guide to right to work checks;](#)
- [Frequently asked questions;](#)
- [Code of practice on preventing illegal working: Civil penalty scheme for employers;](#)
- [Code of practice for employers: Avoiding unlawful discrimination while preventing illegal working;](#)
- [An employers 'Right to Work Checklist';](#)
- The online interactive tool '[Check if someone can work in the UK](#)'; and
- The online interactive tool '[Employer checking service enquiries](#)'.

They can be found at [this link](#).

## How to conduct right to work checks

There are 3 basic steps to conducting a right to work check:



The infographic consists of three horizontal bars, each with a small image on the left and text on the right. The first bar is red and titled 'Obtain', showing hands holding a document. The second bar is green and titled 'Check', showing a person in a suit checking a document with another person. The third bar is purple and titled 'Copy', showing hands using a scanner. A large, diagonal watermark reading 'Archived' is overlaid across the entire infographic.

- Obtain**
  - Obtain original versions of one or more acceptable documents.
- Check**
  - Check the document's validity in the presence of the holder.
- Copy**
  - Make and retain a clear copy, and record the date the check was made.

Full guidance is provided in [‘An employer’s guide to right to work checks’](#).

### Step 1: Acceptable documents

The documents you may accept from a person to establish their right to work are set out in regulations. There are two lists – List A and List B. They are found [here](#). You must obtain an original document, or combination of documents, specified in one of these lists in order to comply with **step 1**.

**List A** contains the range of documents which you may accept for a person who has a permanent right to work in the UK. If you conduct the right to work checks correctly before employment begins, you will establish a continuous statutory excuse for the duration of that person’s employment with you. You do not have to conduct any further checks.

**List B** contains a range of documents which may be accepted for a person who has a temporary right to work in the UK. If you conduct the right to work checks correctly, you will establish a time-limited statutory excuse. You will be required to conduct a follow-up check in order to retain your statutory excuse. This will generally be when the permission to be in the UK comes to an end.

### Step 2: Checking the validity of documents

When you are checking the validity of the documents, you must ensure that you do this in the presence of the holder. This may be a physical presence in person or via a live

video link. In both cases, you must be in the physical possession of the original document or documents. You may not rely on the inspection of the document via a live video link or by checking a faxed or scanned copy of the document. The responsibility for checking the document is **yours**. Whilst it may be delegated to your members of staff, you will remain liable for the penalty. You may not delegate this responsibility to a third party.

If you are given a false document, you will only be liable for a civil penalty if it is **reasonably apparent** that it is false. This means that a person who is untrained in the identification of false documents, examining it carefully, but briefly, and without the use of technological aids could reasonably be expected to realise that the document in question is not genuine.

You will not be able to rely on a statutory excuse if you knew that the document was false, that it did not rightfully belong to the holder, or the work was not permitted.

In order to establish a statutory excuse, you are required only to conduct an examination of the document and to check this against the holder of that document. You may, however, wish to consider using a commercially available document scanner to help check the authenticity of documents presented to you, notably passports, [Biometric Residence Permits](#) (BRPs) and [Residence Cards \(biometric format\)](#). Guidance about using such technology is available at [this link](#).

You may also wish to increase your understanding and ability to identify forged documents through training and using publicly available sources of information. You may download training on recognising fraudulent identity documents [here](#).

[PRADO](#) (the Public Register of Authentic Travel and Identity Documents Online) is a public web site run by the European Union which provides guidance on an extensive range of passports and other travel and identity documents throughout the European Union, including their security features.

If someone gives you a false document or a genuine document that does not belong to them or commits an offence under the Identity Documents Act 2010, you should use this link to [report the individual to us](#), or call our Sponsorship, Employer and Education Helpline on 0300 123 4699, (Monday to Thursday, 9am to 5pm, Friday, 9am to 4:30pm).

If you do not employ the person, you have no liability for a civil penalty.

### Step 3: Retaining evidence

You must keep a record of every document you have checked. This may be a hardcopy or a scanned and unalterable copy, such as a jpeg or pdf document. You should keep the copies securely for the duration of the person's employment and for a further two years after they stop working for you. By doing this, we will be able to check whether you have complied with the law if we find that someone is, or has been working for you illegally.

You must also make a record of the date on which you conducted your check. This may be by either making a dated declaration on the document copy or by holding a separate

record, securely, which may be shown to us upon request to establish your statutory excuse.

This date of check may be written on the document copy as follows: ‘the date on which this right to work check was made: [insert date]’, or you may make a separate manual or digital record indicating the date you conducted the check and copied the documents. We recommend that evidence is made easily available so that you can show it quickly in the event that you are requested to show it to us to demonstrate that you have performed a right to work check and retain a statutory excuse.

### **Additional evidence from students**

When conducting checks, if you are presented with documents indicating that the holder is a student with a limited right to work in the UK during term time, you are required to obtain and retain evidence of their academic term and vacation dates. See [‘An employer’s guide on right to work checks’](#) for more detailed information on these requirements.

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## Acceptable documents for right to work checks

### A. Biometric Residence Permits

Biometric Residence Permits (BRPs) are biometric immigration documents that are issued in the UK to migrants granted permission to remain in the UK for more than six months. Between March and the end of July 2015, we are gradually rolling out BRPs to migrants overseas granted permission to enter the UK for more than six months, replacing the UK visa. If someone is granted permission to enter the UK for more than six months, they may collect their BRP after they have arrived into the UK. They will also be issued with a multi entry vignette (sticker) in their passport, called a [short validity vignette](#), which will be valid for 30 days to enable them to travel to and from the UK. Following their arrival, they will have 10 days to collect their BRP from the Post Office branch given in their decision letter. For most non EEA migrants granted permission to be in the UK, the BRP will be the document that proves they have permission to work in the UK.

The BRP may state that permanent residence has been granted or it may state that only limited permission to be in the UK has been granted. If the card states that only limited permission has been granted, the document check must be repeated upon the expiry of the leave in order that the excuse may be retained. The BRP must be current in order to establish the statutory excuse including when it demonstrates that permanent residence has been granted.

BRPs are credit-card sized immigration documents that contain a highly secure embedded chip and incorporate sophisticated security safeguards to combat fraud and tampering. They provide evidence of the holder's immigration status in the UK. They contain the holder's unique biometric identifiers (fingerprints, digital photo) within the chip, are highly resistant to forgery and counterfeiting, display a photo and biographical information on the face of the document and details of entitlements, such as access to work and/or public funds. BRPs therefore provide employers with a secure and simple means to conduct a right to work check.

Migrants permitted to work in the UK are strongly encouraged to collect their BRP before they start work. If they need to start work for you prior to collecting their BRP, they will be able to evidence their right to work by producing the [short validity vignette](#) in their passport which they used to travel to the UK. You will need to conduct a full right to work check on the basis of this vignette, which must be valid at the time of the check. However, as this will expire 30 days from issue, you will have to repeat the check using the BRP for the statutory excuse to continue.

There is a gradual rollout of the combined [BRP and National Insurance number \(NINo\)](#) for migrants who have the right to work in the UK, commencing in April 2015 with Tier 2 (skilled workers) main applicants who make an application in the UK. In addition, some BRPs may indicate whether the holder is required to register with the police. The NINo will be inserted on the back of the BRP.

Adding the NINo to the BRP will assist the employer in two ways. First, the BRP provides an employer with a secure and simple means of checking a migrant's right to work in the UK linking their identity to a unique reference number. Second, the



(EEA) family members of EEA or Swiss nationals in a biometric format. From this date, we stopped issuing the vignette in the passport or standalone document, though these will continue to be acceptable documents for the purpose of right to work checks, as long as they are valid.

The new Residence Cards (biometric format) closely resemble [Biometric Residence Permits](#) as indicated above. They are of a standard credit card size and contain the holder's digital image, name and signature, date and place of birth, nationality, gender, expiry date of card, place of issue, type of residence card (category of residence) and a unique number. They will also contain a biometric chip. The cards are more secure against forgery and abuse and therefore provide a helpful means for employers to conduct a right to work check.

More information on Residence Cards is [here](#) and more information on non EEA family members of EEA or Swiss nationals, including eligibility, is [here](#).

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The front side of a number of BRPs and Residence Cards (Biometric Format) containing a range of remarks.







## Old style British Passports

These are old style passports which no longer permit travel. They will, however, demonstrate a right to work. You should ensure that the document photograph is consistent with the physical appearance of your employee or prospective employee. Request further evidence of status if you are unsure.

## UK Birth and Adoption Certificates

British citizens may also demonstrate their permission to work through their **full UK birth or adoption certificate** which includes the name(s) of at least one of their parents or adoptive parents, together with an official document giving their permanent **National Insurance number** and their name issued by a Government agency or a previous employer. The General Register Office has published a [Guide to Birth Certificates](#) which provides advice on UK birth certificate security features, possible fraud indicators and sample documents.

**Short UK birth certificates (which do not have details of either of the holder's parents) and national insurance numbers on their own are not acceptable documents for the purpose of a right to work check and will not provide a statutory excuse.**

## Certificates of Registration or Naturalisation as a British Citizen

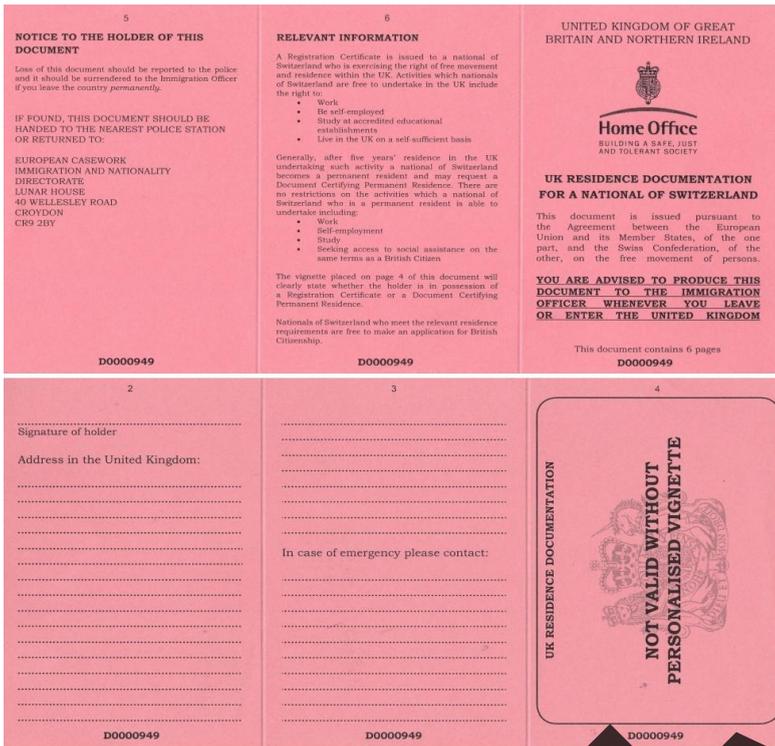
The right to work may also be demonstrated through a **certificate of registration or naturalisation as a British citizen** provided it is produced with an official document giving the person's permanent **National Insurance number** and their name issued by a Government agency or a previous employer. This certificate will be issued to someone who has been naturalised as a British citizen. They will then be able to apply for a UK passport.

## The Common Travel Area

A **birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland** (which together with the UK forms 'The Common Travel Area') 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 will also demonstrate the right to work.





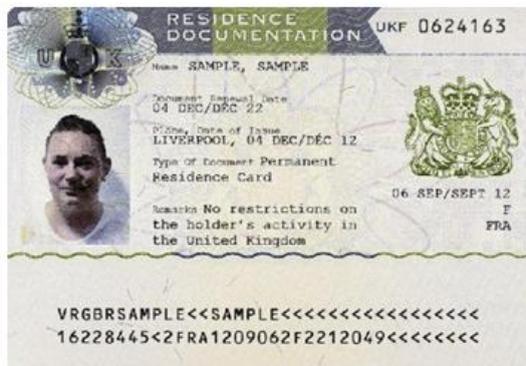


Registration Certificate for a Swiss national as a standalone document (not in a passport)

### Non EEA family members of EEA (and Swiss) nationals

From 6 April 2015 we started to issue [Residence Cards in a biometric format](#) for non EEA family members of EEA (and Swiss) nationals and those with a derivative right of residence. This will clearly indicate whether the holder is permitted to work. A Residence Card (biometric format) will demonstrate a right to work only while it remains current (i.e. it has not time expired).

Prior to 6 April 2015, we issued Residence Cards and Permanent Residence Cards as endorsements in the holder's passport (see below) where they have been authenticated by a circular embossing stamp. They are also issued as stand alone documents.



Registration Certificate (for EEA national) and Permanent Residence Card (for non EEA family member).

There are separate restrictions on Croatian nationals' access to the labour market and which are set out in the '[Code of practice for employers civil penalties: illegal employment of a Croatian national](#)'. Since 1 July 2013, as EU nationals, Croatians have been able to move and reside freely in any EEA Member State. However, the UK has applied transitional restrictions on their access to the labour market. These are set out in the Accession of Croatia ([Immigration and Worker Authorisation](#)) Regulations 2013. Under these Regulations, a Croatian national who wishes to work in the UK and who is subject to the worker authorisation requirement will need to obtain an accession worker authorisation document (permission to work) before starting any employment.

Further information on preventing the employment of illegal Croatian nationals may be found [here](#).

### Certificates of Application

Certificates of Application are issued to non EEA family members of EEA nationals who have applied for a Residence Card or Derivative Residence Card. From 6 April 2015, an application for such a card will only be considered valid at the point at which the applicant successfully enrolls their biometric information (finger scans and a digital photograph). Applicants will continue to receive an initial acknowledgement letter which will not demonstrate a right to work.

Where the application is made by a [direct family member](#), who has successfully enrolled their biometrics and provided the correct supporting documents, the applicant will be issued with a Certificate of Application which states that the individual has a right to work in the UK whilst their application for a Residence Card or Derivative Residence Card is being considered. This Certificate of Application will only demonstrate the right to work if it is less than six months old and is accompanied by a [Positive Verification Notice](#) issued by the Home Office's [Employer Checking Service](#) stating that the holder has permission to do the work in question. The excuse will last for six months from the date of the Positive Verification Notice.

If you are presented with a Certificate of Application that does not state that work is permitted, this will not demonstrate a right to work and the Employer Checking Service will provide a Negative Verification Notice.

An example of a Positive Verification Notice may be found [here](#).



A Certificate of Application that permits work.

## E. Asylum Claimants

Asylum claimants are issued with an Application Registration Card (ARC) to acknowledge that they have claimed asylum. Usually asylum claimants are not permitted to work. However, some asylum claimants may be granted permission to work by the Home Office and, if so, the ARC will state that work is permitted. The ARC will generally state that employment is only permitted in a job on the Shortage Occupation List. This list may be viewed [here](#).

When the ARC indicates that work is permitted, the employer must still verify that the work is permitted through the [Employer Checking Service](#) in order to obtain an excuse against a penalty liability. It will also confirm that the ARC is authentic and valid. This excuse will expire six months from the date of the Positive Verification Notice when a further check must be undertaken, if the statutory excuse is to be retained.

An example of a Positive Verification Notice may be found [here](#).



ARCs that permit employment (a) in a job on the Shortage Occupation List and (b) as a student.

## F. Non EEA migrants with a right to work

Most non EEA migrants will demonstrate their right to work through their [Biometric Residence Permit](#). This will only demonstrate a right to work whilst it is current (i.e. it has not time expired).

### A passport vignette that permits employment or indicates that there are no work restrictions

Most non EEA migrants will demonstrate their right to work through their [Biometric Residence Permit](#) and migrants permitted to work in the UK are strongly encouraged to collect their BRP before they start work. However, as the BRP is collected in the UK, if the migrant needs to start work prior to collecting their BRP, they will be able to evidence their right to work by producing the [short validity vignette](#) in their passport which they used to travel to the UK. However, as this will expire 30 days from issue, the check will have to be repeated using the BRP for the statutory excuse to continue.

Prior to the introduction of the Biometric Residence Permit, for those granted permission to come to or remain in the UK, we issued a UK government endorsement in their national passport. This might have placed restrictions on the type of work they were permitted to do, and/or the hours they could work, depending on the conditions attached to their immigration permission. For those coming to the UK, this would be in the form of an entry clearance (often called “a visa”) granted in their country of



ISDs contain a UK Residence Permit endorsement. It also has a section providing further details of the holder's status and personal details. You should note that we now issue [Biometric Residence Permits](#) instead of ISDs. There will, however, be valid ISDs in circulation and which will demonstrate a right to work while remaining current (i.e. have not time expired) and presented with an official document giving the person's National Insurance number and name issued by a Government agency or a previous employer.



An Immigration Status Document indicating humanitarian protection.

### A Positive Verification Notice issued by the Home Office Employer Checking Service

You may request verification of a right to work from our [Employer Checking Service](#) when:-

- You are reasonably satisfied that your employee or prospective employee has an outstanding application, appeal or administrative review with us which permits the employment whilst that application, appeal or administrative review is under consideration. Please refer to '[An employer's guide to right to work checks](#)' for more information on when your employee will be permitted to continue working in these circumstances;
- Your employee or prospective employee has presented you with an [Application Registration Card](#) that permits the employment in question; or
- Your employee or prospective employee has presented you with a [Certificate of Application](#) which is less than six months old.

Your application for a Positive Verification Notice may now be made electronically through the interactive tool "[Employer Checking Service Enquiries](#)". The Employer Checking Service should provide a response within five working days of your application.

If you receive a Positive Verification Notice, your statutory excuse will last for six months from the date of the Notice. If you receive a Negative Verification Notice, your statutory excuse will be terminated and you may be liable for a civil penalty if the employment is not permitted and you continue to employ the worker. You may also be committing a criminal offence if you continue to employ the worker.

The next page contains an example of a [Positive Verification Notice](#) which you may apply for in the specified circumstances set out above.

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# Employer Checking Service (ECS) Positive Verification Notice

**Date of Notice: 20.3.2015**

**Unique ECS Reference:**

This Notice is issued in respect of your duty to prevent illegal working set out in sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006.

## You have requested an ECS check

This means that you contacted the Employer Checking Service to verify the right to work in the UK of the named person below.

### Our response:

1 Who we have checked and for what type of work	Name: Date of Birth: Nationality:
2 Outcome of our check	<b>This person has the right to work subject to the restrictions in section 4</b>
3 Expiry date of our check	The result of this check is valid for 6 months. It expires on <b>19 September 2015</b> . You should carry out a follow-up right to work check on this person <b>on or before</b> this date.
4 Work restrictions	None
5 What this means	This <b>Positive Verification Notice</b> will provide you with a <b>time-limited statutory excuse</b> against liability for a civil penalty in respect of this person. You must retain this Notice. If this person has provided you with an Application Registration Card or a Certificate of Application, you should retain a copy.  You should see our <a href="#">Shortage Occupation List</a> for a list of the restricted roles for people with an Application Registration Card.
6 Ensure your compliance	You should note that your time-limited statutory excuse will not apply if at any time you become aware that this person no longer has the right to do the work in question and you <b>may also be prosecuted for knowingly employing an illegal worker which means you may face an unlimited fine and/or imprisonment.</b>
7 If you need further information	You should visit <a href="http://www.GOV.UK">www.GOV.UK</a> to view our range of guidance, Codes of practice and helpful tools to assist you to comply with your duty as an employer to conduct right to work checks.

### List A

#### Acceptable documents to establish a continuous statutory excuse

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 a European Economic Area country or Switzerland.
5	A <b>current</b> 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 <b>current</b> 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 <b>current</b> 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, <b>together with</b> 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 <b>full</b> birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, <b>together with</b> 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 or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, <b>together with</b> 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, <b>together with</b> 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 <b>current</b> 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 <b>current</b> 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 <b>current</b> 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 <b>current</b> 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, <b>together with</b> an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

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

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 <b>less than 6 months old together with a Positive Verification Notice</b> 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, <b>together with a Positive Verification Notice</b> from the Home Office Employer Checking Service.
3	A <b>Positive Verification Notice</b> 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.