



Human Resources and Employment Law

Fact Sheet – Documentary proof of right to work in the UK

Do you ask all new employees before they join you to provide evidence of their right to work in the UK, and keep copies of their documentation regardless of their appearance or accent?

Do you know what documents you should be looking at and copying?

If you answer "no" to either of these questions, your company could face a fine of up to £5,000 for

each illegal worker you are found to employ.

Documentary proof of the right to work in the UK

Under the Immigration, Asylum and Nationality Act 2006, , an employer must check and copy or record one of a number of specified documents or two documents in a specified combination from List A or List B to establish that an individual has the right to work in the UK

The documents in list A indicate that the holder is entitled to live and work in the UK indefinitely. These documents provide an ongoing excuse against payment of a civil penalty. Alternatively, refer to list B.

LIST A

- n 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.
- n 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.
- n 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.
- n 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.
- n 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.
- n 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.
- n 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.

- n 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.
- n 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.
- n 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.
- n 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.
- n 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.
- n 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

The documents in list B indicate that the holder has a limited right to live and work in the UK. These documents provide an excuse against payment of a civil penalty for **up to 12 months and employers should carry out repeat document checks every 12 months.**

- n 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.
- n 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.
- n 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.
- n 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.

- n 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.
- n 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.
- n 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.
- n 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.

For further information, please email hr@eacotts.com or refer to the Website Contact Us page.

The above is written in general terms only. It would be unsafe to assume that this general advice can be applied to particular situations in your organisation. We cannot accept responsibility for loss occasioned as a result of action taken, or refrained from, in consequence of the contents.

Eacotts and its Human Resources Service will be pleased to offer specific advice on request.

August 2008

