



University of  
St Andrews

## Right to work checks

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<b>Purpose</b>	Provides information and guidance on how to conduct a right to work check and prevent illegal working and to ensure the University is compliant with immigration rules.

<b>Version number</b>	<b>Purpose / changes</b>	<b>Document status</b>	<b>Author of changes, role and school / unit</b>	<b>Date</b>
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## 1. Statement

- 1.1 The University is legally required under the provisions of the Immigration, Asylum and Nationality Act 2006 to verify, prior to the commencement of employment, that any individual undertaking work for the University, regardless of duration and contractual status, is eligible to work in the UK. A right to work check is a Home Office requirement to establish that each individual working at the University has the right to work in the UK before they start their employment.
- 1.2 Failure to adhere to this requirement may lead to the University losing its sponsorship licence to employ migrant workers and a civil penalty of up to £20,000 per illegal worker can be imposed.
- 1.3 If the University conducts a right to work check, as set out in this guide, then we will retain a statutory excuse against liability for a civil penalty in the event that we have employed someone, who is prevented from carrying out the work in question, by reason of their immigration status. This means that if the Home Office find that the University has employed someone who does not have the right to do the work in question, but we have correctly conducted right to work checks as required, there will be no civil penalty for that illegal worker.

## 2. Scope

- 2.1 The requirement to verify an individual's right to work applies to all employees regardless of nationality and immigration status.
- 2.2 It is essential that a Right to Work (RTW) check is completed **before** an individual commences work. A check made after work has commenced will not provide a statutory excuse (as detailed in 1.3) against sanction from the Home Office if the individual is later found to have been working illegally.

## 3. How to conduct a RTW check?

- 3.1 By following the process outlined below, the risks of employing a person without the legal right to work in the UK are minimised.
- 3.2 There are two types of RTW checks:
  - [a manual \(in-person\) document-based check](#)
  - [an online check](#)

*Conducting either a manual (in-person) document-based check or the online check, as set out in this guidance, will provide the University with a statutory excuse as per paragraph 1.3.*

- 3.3 It will not be possible to conduct an online RTW check in all circumstances, as not all individuals will have an immigration status that can be checked online. In circumstances in which an online check is not possible, then a manual (in-person) check must be conducted.
- 3.4 The University cannot mandate how an individual proves their right to work i.e. we cannot state we will only use the online service, rather we must recognise that the verification route will vary depending on individual circumstance.

## 4. Conducting a manual (in-person) document-based RTW check

4.1 There are three steps to conducting a manual (in-person) document-based RTW check. You **must** complete all three steps, before employment commences, to ensure the RTW is valid.

### 4.1.2 Step 1: Obtain

- You must obtain the original document from either List A or List B of acceptable documents ([Appendix 1](#)).

### 4.1.3 Step 2: Check

- You must check that the documents are genuine and that the person presenting them is the employee, the rightful holder and allowed to do the type of work you are offering. You must check that:
  - 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 live and work in the UK have not passed.
  - Any immigration stamps, endorsements or work restrictions that permit the person to conduct the type of work being undertaken at the University.
  - The documents are genuine, have not been tampered with and belong to the holder.
  - The reasons for any different names across documents (e.g. original marriage certificate, divorce decree absolute, deed poll). Supporting documents should also be photocopied and retained.

### 4.1.4 Step 3: Copy & Retain

- You must make a clear copy of each document, in a format which cannot later be altered (such as PDF) and retain the copy securely either electronically or in hardcopy.
- You must copy and retain the following:
  1. Passports: any page with the document expiry date, the holder's nationality, date of birth, signature, leave expiry date, biometric details, photograph and any page containing information indicating the holder has an entitlement to enter or remain in the UK (visa or entry stamp) and undertake the work in question.
  2. All other documents: the document in full, including both sides of an Immigration Status Document and an Application Registration Card.
- You must also make a note of the date on which you conducted the check and must include the following statement on each document for which a copy has been taken:

***I certify that this is a true likeness.***

***Verified by: [name]***

***The date on which this right to work check was made: [insert date]***

## 5. Conducting an online right to work check

5.1 An online right to work check will provide you with a statutory excuse against a civil penalty in the event of illegal working involving the subject of the check.

5.2 You can do an online check by using the [online service](#), entitled 'View a job applicant's right to work details'.

5.3 Currently, the online service supports checks in respect of those who hold:

- a biometric residence permit;
- a biometric residence card;
- status issued under the EU Settlement Scheme (these individuals are only able to demonstrate their right to work using their EU passport or ID card until 30 June 2021);
- status issued under the points-based immigration system;
- British National Overseas (BNO) visa; or
- Frontier workers permit.

5.4 There are three steps to conducting an online RTW check. You **must** complete all three steps, before employment commences, to ensure the RTW is valid.

### 5.4.1 Step 1: Use the Home Office online service

- The service works on the basis of the individual first viewing their own Home Office right to work record. They may then share this information with you if they wish, by providing you with a 'share code', which, when entered along with the individual's date of birth and institution name, enables you to access the information.
- The individual may provide the share code to you directly, or they may choose to send this to you via the service. If they choose to send it to you via the service, you will receive an email from [right.to.work.service@notifications.service.gov.uk](mailto:right.to.work.service@notifications.service.gov.uk).
- [Appendix 2](#) explains how a person can retrieve their share code.
- **To check the person's right to work details, you will need to:**
  - access the service 'View a job applicant's right to work details' via GOV.UK - <https://www.gov.uk/view-right-to-work>
  - enter the 'share code' provided to you by the individual, and
  - enter their date of birth
  - enter the institution name (University of St Andrews)
- It is not sufficient to simply view the details provided to the individual on the migrant part of the service and doing so will not provide you with a statutory excuse or comply with RTW rules.

### 5.4.2 Step 2: Check

- In the presence of the individual (in person or via live video link), you must check that the photograph on the online right to work check, is of the individual presenting themselves for work (i.e. the information provided by the check relates to the individual and they are not an imposter).

- You must only employ the person if the online check confirms they have the right to work and are not subject to a condition preventing them from doing the work in question.
- Check to see if there is an expiry date, in which case, this is their visa expiry date and therefore to continue working beyond this date an updated RTW must be completed.
- If the online right to work check does not confirm that the individual has the right to work in the UK and do the work in question, you must not employ them in any capacity.

#### 5.4.3 Step 3: Retain evidence of the online check

- You must retain evidence of the online right to work check. For online checks, this should be the 'profile' page confirming the individual's right to work.
- This is the page that includes the individual's photo, the organisation name, reference and date of check is pre-populated for audit purposes.
- You will have the option of printing the profile or saving it as a PDF file which should be provided as part of their RTW check to Human Resources.
- You must also make a note of the date on which you conducted the check and must include the following statement on the output from the online check:

***I certify that this is a true likeness.***

***Verified by: [name]***

***The date on which this right to work check was made: [insert date]***

- [Appendix 3](#) illustrated the images from the online service.

## 6. Temporary adjusted RTW checks during the Coronavirus (COVID-19) pandemic

- 6.1 The Coronavirus (COVID-19) pandemic concessions were only valid for right to work checks undertaken between 30 March 2020 and 30 September 2022 (inclusive).
- 6.2 The COVID-19 adjusted checks ended 30 September 2022. From 1 October 2022, all right to work checks must be carried out either face to face with physical document checks or using the Home Office online service as set out in sections 3 to 5.
- 6.3 You do not need carry out retrospective checks on those who had a COVID-19 adjusted check between 30 March 2020 and 30 September 2022 (inclusive). The University will maintain a statutory defence against a civil penalty if a check undertaken during this period was completed in the prescribed manner or as set out in the COVID-19 adjusted checks guidance.

## 7. Authorised documentation for RTW Checks

- 7.1 Only the documents listed by the UKVI ([Appendix 1](#)) are permitted to be used by an individual undertaking work for the University to demonstrate their right to work in the

UK. If an individual does not have any of the prescribed documentation or proof of their right to work in the UK, then they must not commence any work for the University.

7.2 From 1 July 2021, EEA citizens and their family members require immigration status in the UK. They can no longer rely on an EEA passport or national identity card, which only confirms their nationality, to prove their right to work. They will be required to provide evidence of lawful immigration status in the UK, in the same way as other foreign nationals.

### 7.3 Home Office Employer Checking Service

- If an individual cannot show their documents or online immigration status, then you can use the Home Office Employer Checking Services to check the individual's immigration status and provide you with a Positive Verification Notice (PVN) confirming that the named person is allowed to carry out the type of work in question.
- If there is a requirement for verification by the Home Office Employer Checking Service please use the information at <https://www.gov.uk/employee-immigration-employment-status> or contact the [HR Immigration Team](#) for advice.

## 8. Students

8.1 Not all students are entitled to work while they are in the UK. Where a student does have a limited right to work, the working hours that they may undertake will depend on **when** they applied for permission to come to or stay in the UK, **the type of course** they are studying and the **type of educational provider** with whom they are studying.

8.2 Certain categories of employment are however, not permitted including being self-employed or engage in business activities; working as an entertainer or as a professional sportsperson, including a sports coach; or fulfilling a full-time permanent vacancy other than a Student Union Sabbatical Officer.

8.3 A migrant student who is permitted to work will have a clear endorsement in their passport or on their Biometric Residence Permit which states they are permitted to work and the number of hours of work permitted during the term time.

8.4 Further details on the number of hours students can work can be found at the [UKCISA website](#). If you are in doubt, please contact [HR Immigration Team](#) for advice.

8.5 **If you are employing a student**, you must adhere to the restricted term-time hours as noted on their visa. You must seek evidence to confirm the student's term and vacation dates as outlined below:

- A printout from the student's education institution's website or other material published by the institution setting out its timetable for the student's course of study; or
- A copy of a letter or email addressed to the student from their education institution confirming term time dates for the student's course; or
- A letter addressed to you as the employer from the education institution confirming term time dates for the student's course.

8.6 **Student visitors are not permitted to work** or conduct any business activities at the University either in the term time or the vacation or to do a work placement.

## 9. Exemptions

9.1 The requirement to verify an individual's right to work does not apply to the following categories of people:

- Anyone who is registered self-employed under HMRC rules.
- Any agency staff working at the University through an agreement with an employment agency. The right to work check will be completed by the Agency.

## 10. Overseas employees

10.1 Several individuals will undertake work overseas on throughout their employment with the University. There are a host of practical issues that require consideration prior agreeing to working overseas including:

- the type of work being undertaken
- where the work will be based
- the employee's normal country of residence
- the length of any such engagement

10.2 Each individual must have the right to work in the country that they are conducting work in. Overseas working can have immigration, employment law, tax and social security implications (for both the individual and the University). Please ensure all overseas working is discussed and approved with the HR Overseas Team before any work is undertaken ([overseas@st-andrews.ac.uk](mailto:overseas@st-andrews.ac.uk)).

## 11. Queries

11.1 If you have any questions, or require further information, please contact Human Resources on extension 2497 or email [hrimmigration@st-andrews.ac.uk](mailto:hrimmigration@st-andrews.ac.uk).

## 12. Version control

Version number	Purpose / changes	Document status	Author of changes, role and school / unit	Date
1.0	Migration of document to the Governance Zone.	Published	Cameron Little HR	26/06/2019
1.1	Changes to Appendix A	Published	Cameron Little HR	18/02/2020
1.2	Inclusion of Right to Work Verification Template (Appendix B)	Published	Cameron Little HR	18/02/2020
1.3	Change to review date only	Published	Cameron Little HR	27/01/2021
1.4	Legislative changes which came into force at the end of the Brexit transition period.	Published	Cameron Little HR	01/07/2021
1.5	Extension of temporary adjusted RTW checks	Published	Cameron Little HR	31/07/2021



	during the Coronavirus (COVID-19) pandemic			
1.6	<p>Extension of temporary adjusted RTW checks during the Coronavirus (COVID-19) pandemic until 30 September 2022.</p> <p>Removal of biometric cards for manual in-person checks from 6 April 2022.</p>	Published	Cameron Little HR	24/03/2022
1.7	<p>Removal of covid concessions for right to work checks from 1 October 2022.</p> <p>Expansion of Employer Checking Service information (section 7).</p> <p>Updated list of permitted documents for manual right to work checks.</p>	Published	Cameron Little HR	01/10/2022
1.8	Extending review date to allow review to take place.	Published	Cameron Little HR	06/02/2024

## **Appendix 1: Lists of acceptable documents for manual (in-person) right to work checks**

### **List A - Acceptable documents to establish a continuous statutory excuse**

1. A passport (current or expired) 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 passport card (in either case, whether current or expired) showing that the holder is an Irish citizen.
3. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
4. 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.
5. 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.
6. A birth 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 a government agency or a previous employer.
7. A birth 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.
8. 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 permission to enter or permission to stay**

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 document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.

3. 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.

**Group 2 – documents where a time-limited statutory excuse lasts for six months**

1. A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme) on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.
2. A Certificate of Application (digital or non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021, together with a Positive Verification Notice from the Home Office Employer Checking Service.
3. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man showing that the holder has made an application for leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules or Appendix EU to the Immigration Rules (Bailiwick of Guernsey) Rules 2008, or Appendix EU to the Isle of Man Immigration Rules together with a Positive Verification Notice from the Home Office Employer Checking Service.
4. 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.
5. 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.

## Appendix 2: Obtaining a share code

This section provides guidance on how a person can obtain their share code to provide to the University in order that an online right to work check can be conducted

To log into your immigration profile at <https://www.gov.uk/view-prove-immigration-status>, you will need to:

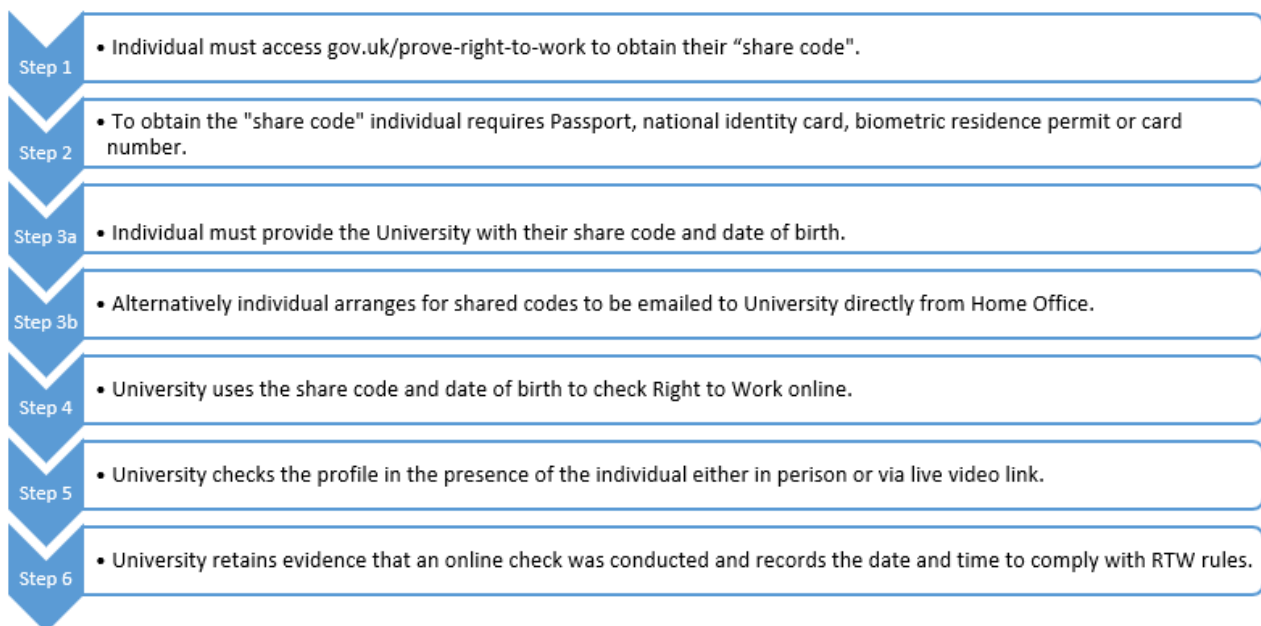
- chose the identity document you used in your application, for example:
  - Biometric residence card (BRP)
  - Biometric residence card (BRC)
  - National identity card
  - Passport
  
- enter your passport/ID card/ BRC number
- enter your date of birth
- confirmation

A 'one-time' six-digit access code will be sent to your phone or email address, depending on what you have specified. This code is valid for a limited time. Once you enter it, you will be logged into your online profile and be able to view your Visa, Pre-Settled or Settled Status.

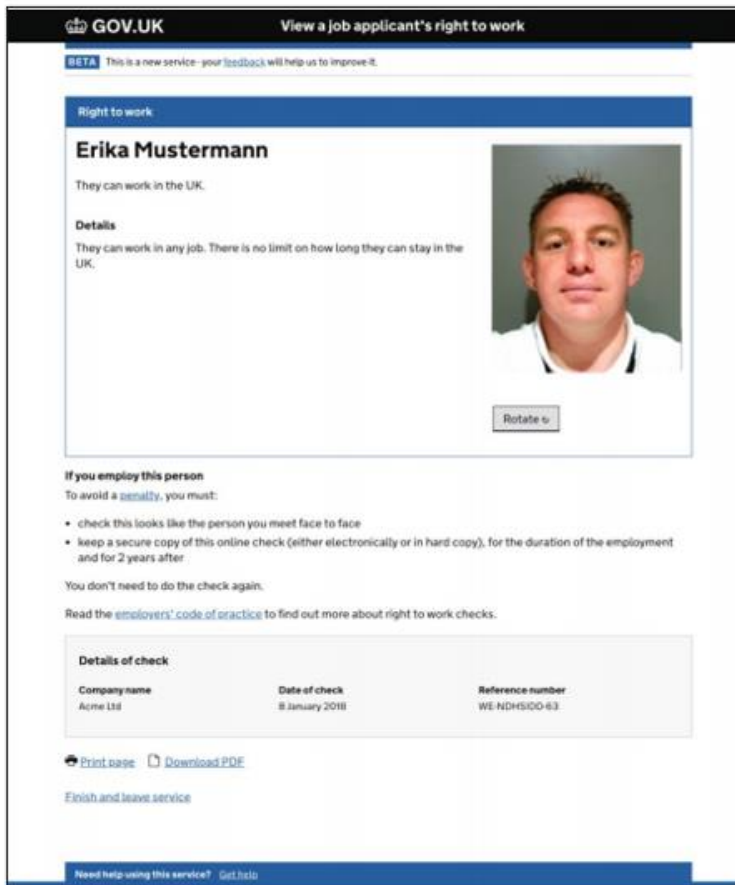
Once you have logged into your online profile, you can also navigate to "Prove your status" and receive a 'share code' which can be provided to the University along with your date of birth in order that an online right to work check can be taken.

Your shared code is 9 digits long and is valid for 30 days, after this time a new code will need to be obtained.

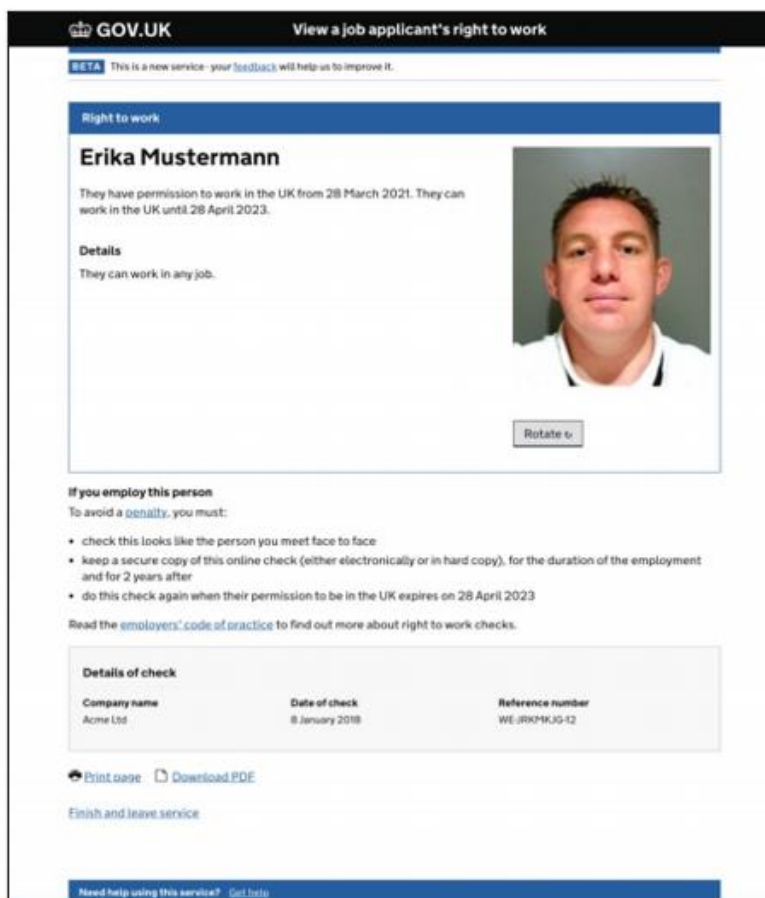
## Online right to work check process



## Appendix 3: Proof of right work obtained from GOV.UK



This image is from the online service and shows the individual has a continuous right to work.



This image is from the online service and shows the individual has a time-limited right to work and confirms the date that their right to work expires on 28 April 2023.

PDF version of online check which is sufficient for RTW check and should be provided with contractual documents to Human Resources.



## ERIKA MUSTERMANN

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.

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

### Details of check

#### Company name

University of St Andrews

#### Date of check

10 June 2021

#### Reference number

WE-EGN9RX2-KG