

COMPLIANCE WITH ASYLUM AND IMMIGRATION ACT 1996

CHECKING ELIGIBILITY TO WORK IN THE UK

Under Section 8 of the Act, it is a criminal offence to employ anyone aged 16 or over who is subject to immigration control unless the person has the necessary documentation. There are two lists of acceptable documents a job applicant may use to provide evidence of their eligibility to work in the U.K. It is the Chair of interview panel's responsibility to confirm that applicants are eligible.

LIST ONE DOCUMENTS

The individual should provide one document from the following list:

- Passport showing that the holder is a British citizen or has the right of abode in the UK;
- National passport showing that the holder is a national of Switzerland or a European Economic Area country;
- National identity card showing that the holder is a national of Switzerland or a European Economic Area country;
- Residency permit issued by the Home Office showing that the holder is a national of Switzerland or a European Economic Area country;
- Passport or other document issued by the Home Office which has an endorsement stating that the holder has a current right of residence in the UK as a family member of a national from Switzerland or a European Economic Area who is resident in the UK;
- Passport or other travel document endorsed to show that the holder can stay indefinitely in the UK, or has a time limit on their stay;
- Passport or other travel document endorsed to show that the holder can stay in the UK and is allowed to do a specific type of work without a work permit;
- Application Registration Card issued by the Home Office to asylum seeker stating that the holder is permitted to work.

LIST TWO DOCUMENTS

Applicants who cannot provide a document from 'List One' must provide TWO documents from 'List Two' **in the required combination.**

Provision of one document alone is NOT acceptable.

Provision of a document from the First Combination of 'List Two' along with a document from the Second Combination is NOT acceptable.

FIRST COMBINATION

The individual must provide a document that states his/her name and permanent National Insurance Number, e.g.:

- P 45;
- P 60;
- National Insurance Number Card
- Letter from a Government agency
- A payslip from a previous employer.

This MUST be presented in combination with one of the following:

- Full birth certificate issued in the UK, which includes the name of at least one of the holder's parents;
- Birth certificate issued in the Channel Islands, Isle of Man or Ireland;
- Certificate of registration or naturalisation stating the holder is a British citizen;
- Letter issued by the Home Office indicating that the holder can stay indefinitely in the UK or that there is no time limit on their stay;
- Immigration Status Document issued by the Home Office, with an endorsement indicating that the holder can stay indefinitely in the UK, or that there is no time limit on their stay;
- Letter issued by the Home Office indicating that the holder can stay in the UK and is allowed to do the type of work applied for;
- Immigration Status Document issued by the Home Office, with an endorsement indicating that the holder can stay in the UK and is allowed to do the type of work applied for.

LIST TWO DOCUMENTS

SECOND COMBINATION

A work permit or other approval to take employment that has been issued by Work Permits UK. Not all Work Permits are transferable between employers. Check with your Case Manager for further information.

In addition to a document issued by Work Permits UK, you should check and copy one of the following documents listed below:

- A passport or other travel document with a valid endorsement to show that the holder is able to stay in the United Kingdom and can take up the employment on offer; or
- A letter issued to the holder by the Home Office confirming that the holder is able to stay in the United Kingdom and can take up the employment on offer.

Students can be employed for up to 20 hours per week during term time only. Outwith term time they can be employed on a full time basis, but they must have valid leave.

Provision of a document from the First Combination of 'List Two' along with a document from the Second Combination is NOT acceptable.

Checking documents:

- Check photographs, where available, to make sure they are consistent with the appearance of the applicant;
- Check the dates of birth listed so that you are satisfied it is consistent with the appearance of the applicant;
- Check that the expiry date has not been passed;
- Check any UK Government stamps or endorsements to see if the applicant is able to do the type of work for which they are applying;
- If applicant gives two documents from 'List 2' which have different names, ask for another document to explain the reason for this (e.g. marriage certificate, divorce document, deed poll, adoption certificate or statutory declaration).

Photocopying documents:

Chair of interview panel must arrange for the original document(s) to be either photocopied, or scanned using "Write One Read Many" (WORM) software. The copy should include:

- the front cover;
- all pages giving the applicant's personal details. In particular, you should copy the page with the photograph and the page which shows his or her signature;
- any page containing a UK Government stamp or endorsement which allows the applicant to do the type of work for which they are applying;

On the **copied documents**, the Chair of the panel should write:
'Copies of original documents seen by' [print his/her NAME], then sign and date.

The Improvement Service will not offer employment to anyone who does not provide appropriate evidence of his/her eligibility to work in the U.K.

By keeping a record of every document copied, the Immigration Service will be able to examine the IS's right to defence if they detect anyone working illegally for the Improvement Service.

Copies of all documents should be forwarded to Business Support.

NOTE: Failure will delay the recruitment process