Guidelines

Title: Documentation Required to Prevent Illegal Working

From: HR/ Talent Management

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Asylum and Immigration Act 1996 – Prevention of Illegal Working

This act of Parliament places a legal responsibility on employers to only recruit new employees from those who are eligible to work in the United Kingdom. Any employer who does not comply commits a criminal offence and could be subject to an unlimited fine, or two years imprisonment.

Under the terms of the Asylum and Immigration Act 1996 all employers in the UK are required to make basic document checks on every person they intend to employ. By checking and copying certain original documents belonging to the potential employee the University can ensure that they are permitted to work and live in the UK.

Where a prospective employee does not have the right to work in the UK without UK Border Agency permission, any offer of employment will be subject to an application for a certificate of sponsorship being made to and approved by the UK Border Agency.

These rules apply to any new employee, whether permanent, temporary or casual staff and irrespective of the length or duration of the work.

In order to comply with the Act, all candidates are asked to bring to the interview original documents as follows:

- One of the original documents alone, or two of the original documents in the specified combinations given in list A; or
- One of the original documents alone, or two of the original documents in the specified combinations given in list B

List A
(Presentation of documents on this list may provide on-going permission to work in the UK)

1. 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 United Kingdom and Colonies having the right of abode in the United Kingdom.

2. 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 or Switzerland.

3. A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office, the Border and Immigration Agency of the UK Border Agency to a national of a European Economic Area country or Switzerland.

4. A permanent residence card issued by the Home Office, the Border and Immigration Agency of the UK Border Agency to the family member of a national of a European Economic Area country or Switzerland.

5. A passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the United Kingdom, has the right of abode in the United Kingdom, or has no time limit on their stay in the United Kingdom.

6. An Immigration Status Document issued by the Home Office, the Border and Immigration Agency of the UK Border Agency to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the United Kingdom or has no time limit on their stay in the United Kingdom, when produced in combination 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 full birth certificate issued in the United Kingdom which 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 their name issued by a Government agency or a previous employer.

8. A full adoption certificate issued in the United Kingdom which 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 their name issued by a Government agency or a previous employer.

9. 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 their name issued by a Government agency or a previous employer.

10. 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 their name issued by a Government agency or a previous employer.

11. 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 their name issued by a Government agency or a previous employer.

12. A letter issued by the UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom **when produced in combination 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
(Presentation of documents on this list may provide permission to work in the UK for up to 12 months in the first instance)

1. A passport or travel document endorsed to show that the holder is allowed to stay in the United Kingdom and is allowed to do the type of work in question, provided that it does not require the issue of a Certificate of Sponsorship.

2. A Biometric Immigration Document issued by the UK Border Agency to the holder which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question.

3. A work permit / Certificate of Sponsorship or other approval to take employment issued by the Home Office, the Border and Immigration Agency or the UK Border Agency **when produced in combination with** either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to do the work in question, or a letter issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to the holder or the employer or prospective employer confirming the same.

4. A certificate of application issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to or for 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 **when produced in combination with** evidence of verification by the Border and Immigration Agency Employer Checking Service.

5. A residence card or document issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to a family member of a national of a European Economic Area country or Switzerland.

6. An Application Registration Card issued by the Home Office, the Border and Immigration Agency or the UK Border Agency stating that the holder is permitted to take employment, **when produced in combination with** evidence of verification by the Border and Immigration Agency Employer Checking Service.

7. An Immigration Status Document issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to the holder with an endorsement indicating that the person named in it can stay in the United Kingdom, 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 their name issued by a Government agency or a previous employer.

8. A letter issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to the holder or the employer or prospective employer, which indicates that the person named in it can stay in the United Kingdom 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 their name issued by a Government agency or a previous employer.

This policy should be read in conjunction with the GOV.UK guidance.
If you have none of the above because you are from outside the EEA we will ask to take a copy of your passport so that we have a record of your nationality and personal details for the event of applying for a Certificate of Sponsorship, should the need arise.

This policy should be read in conjunction with the GOV.UK guidance.