**People Directorate**

##### Prevention of illegal working right to work checklist

The University is legally responsible for ensuring that every employee, casual worker, and migrant visitor (however brief their visit) is properly entitled to work in, and/or participate in the activities of the University. Under no account should someone start work, regardless of their background, until eligibility to work has been completely established. It is the responsibility of the recruiting manager to carry out right to work checks for all staff.

You must conduct a physical document check or perform an online check to establish a right to work, dependent on the individual’s right to work documentation. A right to work check conducted using the online service means the information is provided in real time, directly from the Home Office system and there is no requirement to see the documents listed below in Lists A and B. Further details can be found here:

<https://www.brookes.ac.uk/human-resources/working-here/resources-for-managers/recruitment/immigration-guidance/>

Please note: You **must** carry out a right to work check using the [Home Office online service](https://www.gov.uk/view-right-to-work) for all Biometric Residence Card (BRC), Biometric Residence Permit (BRP) and Frontier Worker Permit (FWP) holders. **This means you cannot accept or check a physical BRC, BRP or FWP as proof of right to work even if it shows a later expiry date.**

When carrying out a physical check, you must **obtain original** documents from either **List A** or **List B** of acceptable documents for a manual right to work check.

**LIST A**

**You will establish a continuous statutory excuse for the duration of that person’s employment with you if you have conducted the right to work checks correctly before employment begins. You do not have to conduct any further checks on this individual.**

1. A passport (current or expired) showing 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 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. NB: Definition includes a full birth certificate issued by a UK diplomatic mission (British Embassy or British High Commission.
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**

**You will establish a time-limited statutory excuse which expires when the person’s permission to be in the UK expires. You should carry out a follow-up when the document evidencing their permission to work expires.**

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. NB: This includes a current passport endorsed with a stamp showing an individual has been granted leave to enter and there are no work-related conditions attached. If, under the conditions of the individual’s leave, work was restricted or prohibited the endorsement placed in the individual’s passport would explicitly set that out as a condition.
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 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.

**List B Group 2**

**You have a time-limited statutory excuse which expires six months from the date specified in your Positive Verification Notice. This means that you should carry out a follow-up check when this notice expires.**

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 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.

**Home Office online right to work check**

A Home Office online right to work check will provide the University with a statutory excuse against a civil penalty. You can do an online check by using the online service, entitled [View a job applicant’s right to work details](https://www.gov.uk/view-right-to-work) on GOV.UK.

You **must** carry out a right to work check using the [Home Office online service](https://www.gov.uk/view-right-to-work) for all Biometric Residence Card (BRC), Biometric Residence Permit (BRP) and Frontier Worker Permit (FWP) holders. **This means you cannot accept or check a physical BRC, BRP or FWP as proof of right to work even if it shows a later expiry date.**

The online right to work checking service sets out what information you will need to complete an online check. In circumstances in which an online check is not possible, you should conduct the manual check.