

## Eligibility to work in the UK checklist

It's a criminal offence employ a person who is subject to immigration control and who has not been granted leave to enter or remain in the UK, or does not have permission to work in the UK. Employer could face prosecution if they employ a person who does not have these rights.

Prior to the job applicant starting, employers are required to ask for evidence to prove that the person has the right to live and work in the UK. Copies of these documents should be taken and kept on the person's HR file.

A person is eligible to work in the UK if they are:

- A British Citizen
- A Citizen of a country in the European Economic Area (EEA) with the exception of Croatia
- A Swiss National

Citizens of any country in the European Economic Area (EEA) are entitled to work in the UK without special permission.

The EEA consists of the following countries:

Austria	Belgium	Bulgaria	Croatia	Cyprus
Czech Republic	Denmark	Estonia	Finland	France
Germany	Greece	Hungary	Iceland	Ireland
Italy	Latvia	Liechtenstein	Lithuania	Luxembourg
Malta	Netherlands	Norway	Poland	Portugal
Romania	Slovakia	Slovenia	Spain	Sweden
UK				

**Please note that currently there has been no change to the rights and status of EEA nationals in the UK, and UK nationals in the EEA, as a result of the EU referendum.**

If a person falls into one of the categories above they will have a permanent right to work in the UK. The employer is required to see one of the original documents from the list A below:

## **List A**

1. A passport showing the holder is a British citizen
2. A passport or national identity card showing the holder is a national of a European Economic Area country or Switzerland.
3. A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
4. A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
5. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
6. 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.
7. 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.
8. A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, 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.
9. 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.
10. 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.

For cases where an applicant has a temporary right to work in the UK, the following documents from List B that can be obtained as evidence.

Employers will be required to conduct a follow-up check at the expiry of the date of the person's permission to live and work in the UK. For group 1 this will be when the permission to work in the UK is about to expire and for group 2 a further check should be conducted after 6 months.

## **List B**

**Group 1** - Documents where a time limited statutory excuse lasts until the expiry date of leave

- 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.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
- A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non- European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
- 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 6 months

- A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to 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 together with a Positive Verification Notice from the Home Office Employer Checking Service.
- 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.
- 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.

**For further information and support, please also see:**

Check if someone can work in the UK: [www.gov.uk/legal-right-work-uk](http://www.gov.uk/legal-right-work-uk)

Check a job applicant's 'right to work' documents:

[www.gov.uk/check-job-applicant-right-to-work](http://www.gov.uk/check-job-applicant-right-to-work)

Right to work checklist:

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/378926/employers\\_right\\_to\\_work\\_checklist\\_november\\_2014.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/378926/employers_right_to_work_checklist_november_2014.pdf)

[www.skillsforcare.org.uk/valuesandbehaviours](http://www.skillsforcare.org.uk/valuesandbehaviours)