

**The Immigration, Asylum and Nationality Act [1996], [2004], [2006] (amended in February 2008)**

The Immigration, Asylum and Nationality Act [1996], [2004], [2006] (amended in February 2008) makes it a criminal offence for employers who knowingly employ illegal migrant workers and reinforces the continuing responsibility on employers of migrant workers to check their ongoing entitlement to work in the UK.

There are three steps that Spark of Genius must work through to confirm a prospective employee has the right to work in the UK:

1 - Request right to work documents

2 - Validate the documents in the presence of the holder

3 - Copy, making a record of the date of the check, and securely store documents.

The employer must assess the eligibility of an individual’s right to work in the UK by verifying the specified documentation from lists A and B.

***List A*** *Employers must see one original form of evidence from the single acceptable documents list or a combination of documents as specified in this list. If the individual cannot provide documents from this list, ask for documents from List B.*

**List A:**

Single acceptable documents

• A passport 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.

• 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 a European Economic Area country or Switzerland.

• A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland. • A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.

• 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.

• 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 Footer Right to work checks June 2014 List A: Acceptable document combinations The documents listed below can be accepted where produced with an official document giving the individuals permanent national insurance (NI) number and name. This could be a P45, P60, National Insurance Card, or a letter from a Government agency or previous employer:

 • 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

• 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

• a birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland

• a certificate of registration or naturalisation as a British citizen.

***List B*** *Documents are only required from this list if the individual cannot provide a document or combination of documents from List A. If a prospective employee provides one of the single documents, or a combination of documents as outlined in List B, it indicates that they only have limited leave to work in the UK. Employers are required to carry out follow-up checks on this person to establish a time-limited statutory excuse. The frequency of these follow-up checks depends on whether the documents presented are from Group 1 or Group 2. The table below summarises when follow-up checks are required. Document Type Excuse Type Frequency of Checks List A Continuous Before employments starts only, no further checks are required for the duration of their employment List B – Group 1 Time-limited Before employment starts and again when permission (as indicated within the document presented) expires List B – Group 2 Time-limited Before employment starts and again after 6 months.*

**List B:**

**Group 1**: documents where a time-limited statutory excuse lasts until the expiry date of leave Single acceptable documents

• 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. Acceptable document combinations The following documentation may only be accepted where it is presented together with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or previous employer.

• 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.

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

• 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. Acceptable document combinations The following document may only be accepted where a Positive Verification Notice can be obtained 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.

• 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 six months old. Lists A and B were correct at the time of publishing but are subject to change.

Note: (June 2014) National insurance numbers Employers should note that the provision of a National Insurance number in isolation is not sufficient evidence for the purposes of having a statutory excuse and this must only be accepted when presented in combination with one of the appropriate documents specified in Lists A or B.

**Points-based immigration system**

Points-based immigration system regulates the number of individuals from outside of the European Economic Area (EEA) and Switzerland wishing to work, train or study in the UK. There are four tiers. Please note tier 3 was never implemented and remains suspended:

• **Tier 1**: Persons of exceptional talent and graduate entrepreneur routes (previous general and post-study work routes are now closed to new applicants)

• **Tier 2**: Skilled workers with a job offer to fill gaps in UK labour force • Tier 3: Limited numbers of low skilled workers needed to fill specific temporary labour shortages (this tier is suspended indefinitely)

 • Tier 4: Students. UK education providers will act as a sponsor for students from outside the UK/EEA and will have to apply for a licence from the Home Office. There are two types of visas available within this tier.

• **Tier 5**: Youth mobility and temporary workers. People allowed to work in the UK for a limited period of time to satisfy primarily non-economic objectives such as exchange schemes or agreements.

For further information see: <https://www.gov.uk/government/organisations/home-office>